State of Maine
STATE BOARD OF EDUCATION

Certificate of Organization of Regional School Unit No 1:
Lower Kennebec Region School Unit

Pursuant to Private & Special Law 2007, Chapter 25, (the "Act") and in accordance with an order of the State Board of Education duly entered on the 9th day of July, 2008 a Certificate of Organization is hereby issued to Regional School Unit No. 1: Lower Kennebec Region School Unit including the municipalities of Arrowsic, Bath, Phippsburg, West Bath and Woolwich.

Said Unit shall be managed by a Board of School Directors in accordance with the Act. The method of apportionment of the Board of School Directors selected is in accordance with section 8 of the Act.

The Regional School Unit and its Board of School Directors are subject to and have the powers, duties, benefits and authority conferred by the Act and, to the extent not inconsistent with the Act, the Maine Revised Statutes, Title 20-A, chapter 103-A and other general laws relating to public education and applicable to regional school units.

The member municipalities of Regional School Unit No. 1: Lower Kennebec Region School Unit are required to share costs and issue their warrants for the assessments authorized at the annual budget meeting based on the cost sharing requirements established in the Act including the following:

1. Valuation. One-third must be allocated based on the property fiscal capacity of each participating member;
2. Pupil Count. One-third must be allocated based on the most recent calendar year average pupil count of each participating member;
3. Population. One-third must be allocated based on the population of each participating member as determined by the latest Federal Decennial Census or Federal Estimated Census.

In fiscal year 2008-09, the share of local costs that the district allocates to a participating member must be reduced by the amount of funds the participating member has transferred to the district pursuant to this Act to the extent the funds are not allocated to expenditures of the participating member.

The Board of School Directors of Regional School Unit No. 1: Lower Kennebec Region School Unit elected pursuant to the Act including the municipalities of Arrowsic, Bath, Phippsburg, West Bath and Woolwich is authorized to conduct business in accordance of the terms of the Act effective on the 1st day of July, 2008 by order of the State Board of Education. The Certificate of Organization is delivered to the Board of School Directors, each participating municipality, and a copy of said Certificate, manually signed by the Chair of the State Board of Education, shall be filed and recorded in the office of the Secretary of State.

Dated this 9th day of July, 2008.

STATE BOARD OF EDUCATION

(Seal)

By: Ann Neisleder
Chair

Approved Apportionment Plan for Lower Kennebec River Regional School Unit #1

Private & Special Law 2007 Chapter 25
ONE MAN-ONE VOTE
ONE V0TE PER DIRECTOR

Municipality	2000 Federal Decennial Census*	Percent of Population	Number of Directors	Population per Director	Percentage of Deviation	Notes:
District 1	2,351	14.3%	1	2,351.00	0.00%	Ignore negatives
District 2	2,351	14.3%	1	2,351.00	0.00%	add two highest
District 3	2,351	14.3%	1	2,351.00	0.00%	amounts --
District 4	2,351	14.3%	1	2,351.00	0.00%	sum should
District 5	2,351	14.3%	1	2,351.00	0.00%	not exceed
District 6	2,351	14.3%	1	2,351.00	0.00%	16.40%
District 7	2,351	14.3%	1	2,351.00	0.00%	
					0.00%	
				Average		
	16,457	100.0%	7	2,351.00		

Aggregate deviation *is in compliance*

2,351.00
2,351.00
0.00 / 2,351.00 = 0.00%

2,351.00
2,351.00
0.00 / 2,351.00 = 0.00%

0.00%

Aggregate deviation should not exceed 16.4%

* Based on 2000 Decennial Census -- the most recent available at the block level and required to create these sub-districts.

State Planning Office Information:

	2000 Census
Arrowsic	477
Bath	9,266
Phippsburg	2,106
West Bath	1,798
Woolwich	2,810
District Total	16,457
	2,351 per district

		Arrowsic	Bath	Phippsburg	West Bath	Woolwich	
District 1	2,351		1,024			1,327	2,351
District 2	2,351		1,953		398		2,351
District 3	2,351	270	598			1,483	2,351
District 4	2,351		951		1,400		2,351
District 5	2,351		1,601	750			2,351
District 6	2,351	207	2,144				2,351
District 7	2,351		995	1,356			2,351
	16,457	477	9,266	2,106	1,798	2,810	16,457

PLEASE NOTE: The Office of the Revisor of Statutes *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Private & Special Law

123rd Legislature

First Regular Session

Chapter 25
H.P. 685 - L.D. 910

An Act To Permit Public Schools in the Lower Kennebec River Area To Regionalize To Achieve Efficiency and Improve Quality

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

Sec. 1. Definitions. For the purposes of this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Certificate of organization. "Certificate of organization" has the same meaning as in the Maine Revised Statutes, Title 20-A, section 1203.

2. District. "District" means the state-approved unit of school administration organized by this Act.

3. Eligible municipalities. "Eligible municipalities" means the City of Bath and the towns of Arrowsic, Georgetown, Phippsburg, West Bath and Woolwich.

4. General laws. "General laws" means the general laws of the State.

5. Interim period. "Interim period" means the period from the date of issuance by the State Board of Education of a certificate of organization for the district through and including June 30, 2008.

6. Participating members. "Participating members" means the eligible municipalities that have voted to accept this Act pursuant to section 21 or who subsequently join the district.

7. Regional school unit. "Regional school unit" has the same meaning as in the Maine Revised Statutes, Title 20-A, section 1, subsection 24-B.

Sec. 2. Organization. Subject to the provisions of this Act, the school administrative units of the participating members are merged into and organized as a regional school unit to become operative on July 1, 2008, which shall provide public education to all public school students of the participating members under and pursuant to the terms of this Act.

Sec. 3. Purposes. The district replaces the units of school administration of the participating members in order to improve the efficiency and quality of public education and for all other purposes described in this Act and in the general laws. The district serves as the state-approved unit of school administration to provide public education to all public school students in the district and is a regional

school unit created under the provisions of this Act for purposes of the Maine Revised Statutes, Title 20-A, chapter 103-A and all other general laws.

Sec. 4. Name; certificate of organization. Upon receipt of the voting results from the eligible municipalities on the question whether to accept this Act, the State Board of Education shall determine if the Act has been accepted by the minimum threshold of participating members under section 21 to be effective and, if so, shall issue an interim certificate of organization in accordance with the general laws to the secretary of the school committee of each participating municipality. The board of directors elected in the interim period shall approve an official name for the district and shall file that name with the State Board of Education. The State Board of Education shall then issue an amended certificate of organization for the district that must include the official name.

Sec. 5. Applicability of general law. The district and its board of directors are subject to and have the powers, duties, benefits and authority conferred by this Act and, to the extent not inconsistent with this Act, the Maine Revised Statutes, Title 20-A, chapter 103-A and other general laws relating to public education and applicable to regional school units.

Sec. 6. Effect of statewide consolidation. Nothing contained in this Act prevents the district from being organized as a regional school unit on the same terms and conditions as the Legislature provides for regional school units throughout the State by Public Law 2007, chapter 240, Part XXXX to the extent not inconsistent with this Act.

Sec. 7. Applicability of local charters. In the event of any inconsistency between this Act, or the general laws incorporated by reference in this Act, and a participating member's charter or ordinance, this Act or, as applicable, the general laws control, and the inconsistent charter or ordinance provision must be deemed to be amended or repealed to the extent of the inconsistency. Without limitation of this section, the amounts raised, collected and paid by the City of Bath for district assessments may not be considered expenditures of the city subject to the limitations on municipal expenditures of section 617 of the city's charter; and section 606, "School Budget Component," and other provisions of the city charter applicable to the "School Budget Component" do not apply to district assessments. The participating members shall raise, collect and pay district assessments in accordance with this Act.

Sec. 8. Apportionment of board of directors; voting precincts. The initial method of representation is the subdistrict method of representation as described in the Maine Revised Statutes, Title 20-A, section 1252, except that the boundaries must be determined as provided in this section, and the boundaries of each subdistrict must be drawn to include residents of more than one participating member and to divide residents of each participating member between at least 2 subdistricts. Each subdistrict must be represented by one member of the board of directors, who must reside in the subdistrict. The term of each board member is 3 years, except as provided in this Act, for the purposes of staggering the terms of the initial board members by draw of lots. No later than 7 days following the effective date of this Act, the superintendents of the eligible municipalities in consultation with the school committees of the eligible municipalities shall submit to the Commissioner of Education a written boundary plan containing 9 proposed subdistricts. The commissioner shall approve that boundary plan upon determining that the proposed subdistricts are of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census and that the proposed district is apportioned in accordance with the principles of one person, one vote. If the commissioner determines that the submittal does not satisfy these requirements, the commissioner shall make recommendations for a revised boundary plan to be submitted in accordance with this Act. If the

commissioner does not issue a determination within 14 days of a submittal, the commissioner is deemed to have approved that submittal. If one or more of the eligible municipalities does not accept this Act pursuant to section 21, the superintendents of the participating municipalities, in consultation with the school committees of the participating municipalities, shall promptly submit to the commissioner a revised boundary plan containing 7 subdistricts instead of 9. The commissioner shall act upon the revised boundary plan in the same manner as the plan originally submitted. Because the subdistricts include more than one municipality, the elections of board members are governed to the extent applicable by the procedures of Title 20-A, section 1253 for the election of board members under Method A, subdistrict representation, except as provided in this Act for election of the initial board of directors. The election secretary, as selected under section 9, shall determine the date on which a subdistrict election must be called by the respective municipal officers and shall notify the municipal clerks of the subdistrict election date. The voting list maintained by the municipal clerk of each participating municipality must identify the subdistrict of each registered voter of the participating municipality. The registered voters of a subdistrict shall vote in the municipalities of their respective registrations. Nothing in this section prevents the district from changing its method of representation in accordance with the general laws, in which case the method of election of board members is the applicable method under the general laws, or from changing the boundaries of its subdistricts and the number of its subdistricts and board members for purposes of reapportionment or reorganization as permitted under the general laws. In the event a municipality joins or is added to the district, that municipality becomes a participating member subject to this Act.

Sec. 9. Initial board of directors; transition. The election of the initial board of directors must occur as provided under section 8, except as provided in this section. The election date for the initial board of directors must be determined by vote of a joint meeting of the school committees of the participating members after the State Board of Education has issued the certificate of organization. For purposes of establishing the election date, the school committees at the joint meeting shall establish deadlines for furnishing and filing nomination papers, so that the election may occur on or before February 1, 2008. The school committees at the joint meeting shall select an election secretary, who must be a superintendent of one or more of the participating members. The election secretary shall perform the duties of the secretary under section 8. The school committees of the participating members shall in joint meeting total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the Commissioner of Education of the results of the vote, and of the date of the first meeting of the initial board of directors. The oath of office of each initial board member must be filed with the election secretary for safekeeping and delivery to the secretary of the district. The terms of office must be staggered by draw of lots as provided by the Maine Revised Statues, Title 20-A, chapter 103-A. During the interim period, the board of directors shall elect officers, hire a superintendent and prepare a budget for submission to the voters of the district for the 2008-09 fiscal year. The initial board of directors shall make such other arrangements as it considers necessary to prepare for the district to be operational July 1, 2008. The terms of the school committee members who are in office on the effective date of this Act end June 30, 2008. During the interim period, the school committees of the participating members shall cooperate with the initial board of directors for purposes of the transition. During the interim period, the initial board of directors also is authorized to file applications for school construction projects and, during the period before the initial board of directors is elected, those applications may be filed jointly by the participating members.

Sec. 10. Supermajority to close district schools. For a period of 5 years from the operative date of the district, a 2/3 vote of the board of directors is required to authorize an elementary school within the district to be closed, unless the school building has been condemned or replaced by a

school construction project approved by the district voters. The closure of a school building also is subject to any other requirements of the general laws.

Sec. 11. Cost sharing; changes in cost sharing. For the purpose of local cost sharing, the provisions of the Maine Revised Statutes, Title 20-A, section 15688, subsection 3-A do not apply to the participating members. The local costs of the district must be allocated to the participating members as follows:

1. Valuation. One-third must be allocated based on the property fiscal capacity of each participating member;

2. Pupil count. One-third must be allocated based on the most recent calendar year average pupil count of each participating member; and

3. Population. One-third must be allocated based on the population of each participating member as determined by the latest Federal Decennial Census or Federal Estimated Census.

In fiscal year 2008-09, the share of local costs that the district allocates to a participating member must be reduced by the amount of funds the participating member has transferred to the district pursuant to this Act to the extent the funds are not allocated to expenditures of the participating member.

After 3 budget years, the district shall report to the joint standing committee of the Legislature having jurisdiction over education matters on its experience with determining the contributions of the participating members for local costs under this Act and on other methods of determining the contributions that might be preferable within the district. The other methods, if any, may include the results of a nonbinding election or as applicable town meeting votes in each participating municipality. The method of sharing the local costs of the district may be changed after the first 3 budget years of the district in the manner provided by the general laws, or, if the general laws at any time do not permit a change in cost sharing, by district referendum called by the board of directors.

Sec. 12. Maintenance of state debt service subsidy. The organization of the district does not affect any state subsidy of existing debt or the relative portion of any existing debt of a participating member paid or reimbursed by the State, including lease and lease-purchase obligations, or the relative portion forgiven by the State of any school revolving renovation fund loan to a participating member.

Sec. 13. Transfer of assets and liabilities. The transfer of assets and liabilities, including the assets and liabilities related to the Bath Regional Vocational Center, are governed by this section.

1. Transfer of assets. Upon issuance of a certificate of organization, the transfer of school property and assets from the participating members to the district must occur in accordance with the Maine Revised Statutes, Title 20-A, chapter 103-A. With respect to any restrictions on ownership and operation of school facilities and equipment financed with tax-exempt bonds, the district is deemed the successor to the issuer of the bonds for purposes of school administration.

2. District responsibility for liabilities incurred prior to effective date. For all debt issued prior to the effective date of this Act by a participating member for school construction, school renovation and school equipment, not funded directly to the participating member through state debt service subsidy, the district shall make timely payments to the participating member in amounts sufficient to

meet the participating member's scheduled debt service payments. The district shall make these payments even if the district has not elected to receive a transfer of the school property funded by that debt. The district shall assume and otherwise agree to pay other contractual liabilities incurred for school purposes by a participating member prior to the effective date of this Act, including lease and lease-purchase agreements, transportation contracts and construction, architectural and other school service contracts, if any. Nothing in this Act requires a participating member or the district to renew, extend or continue any contract other than in accordance with its terms.

3. Completion of ongoing Bath renovation project financing. If the City of Bath issues bonds or notes in an amount not to exceed $2,900,000 for school renovations and improvements, the district shall also make timely payments to the city in amounts sufficient to meet the city's scheduled debt service payments on those obligations. If the city has authorized the school renovation bonds but has not yet issued all of the authorized permanent bonds as of July 1, 2008, the city and the board of directors of the district shall consult with recognized bond counsel to determine whether the city or the district shall issue the permanent bonds or notes necessary to finance the completion of that project and to refund temporary notes that the city has issued in anticipation of permanent bonds for that project. In the event that bond counsel advises that the district should issue the permanent bonds, no action by the voters of the district is required. The bonds at any time outstanding for the renovation project may not exceed the amount authorized by the city except to the extent necessary to refund temporary notes on a current basis. If the district issues bonds to complete the school renovation projects begun by the city and to refund the city's temporary notes issued for that purpose, those bonds must be issued in the name of the district and otherwise must be in the form and must be subject to the procedural requirements provided by the Maine Revised Statutes, Title 20-A, chapter 103-A, except as provided by this subsection. In the event that bond counsel advises that the city should issue the permanent bonds, the district shall make timely payments to the city in amounts sufficient to meet the city's scheduled debt service payments.

4. Transfer of other liabilities incurred during interim period. The district may assume any other contractual liabilities of the participating members if approved by the district's board of directors during or following the interim period. An approval may not be withheld if the participating member issued the bond or entered into the contract in the normal course of its management of the schools for an essential school purpose or to replace its existing facilities and existing equipment or to keep them in a condition comparable to that on the effective date of this Act.

5. Exception for certain liabilities. Notwithstanding this section, the district is not required to assume or pay any contract or liability of a participating member if prior to July 1, 2008 the participating member has defaulted in or failed to satisfy a payment obligation or has recklessly or intentionally taken any action or failed to take any action constituting a material breach of its obligations under the contract or has notice of any material breach and has failed to take all reasonable steps to cure the breach.

Sec. 14. Transfer of teachers and employees. Except as provided in subsection 1, all teachers and school employees who are employed by a participating member on June 30, 2008 must be transferred to and employed by the district as of July 1, 2008. Except as provided in subsection 2, the district shall assume all of the legal obligations and duties that the participating members owed to their employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this Act to neither decrease nor increase the rights and benefits of transferred employees or the employer.

1. Teachers or other employees not transferred. Teachers or other employees whose employment terminates by application of law or contract or by action of a participating member before July 1, 2008 may not be transferred.

2. Teachers and other employees transferred prior to completion of probationary period. Teachers and other employees who are transferred to the district prior to the completion of the applicable probationary period for their positions must have the length of their probationary period calculated from the date of their most recent date of employment by the participating member.

3. Membership in Maine State Retirement System participating local district plan. Membership in the Maine State Retirement participating local district plan for employees who are not teachers as defined in the Maine Revised Statutes, Title 5, section 17001, subsection 42 is limited to those who were members of the Maine State Retirement System on the effective date of this Act.

Sec. 15. Collective bargaining. The provisions of this section apply to collective bargaining.

1. District board of directors to assume duties. On July 1, 2008, the district board of directors shall assume all of the obligations, duties, liabilities and rights of the participating members for all purposes under the Maine Revised Statutes, Title 26, chapter 9-A.

2. Bargaining units. Notwithstanding any other provision of law, bargaining units that existed in the participating members are merged July 1, 2008 as follows:

A. One bargaining unit composed of all certified teachers and other certified professional employees, excluding principals and other administrators employed by the district;

B. One bargaining unit composed of all secretaries and educational technicians employed by the district; and

C. One bargaining unit composed of all custodians and food service workers employed by the district.

3. Bargaining agents. Acknowledging the majority representative status of certain bargaining agents as of the effective date of this Act, the bargaining agents of the merged units that are established pursuant to subsection 2 are, on and after July 1, 2008:

A. For the bargaining unit of teachers and other certified professionals, a local affiliate of and chartered by the Maine Education Association selected by the existing bargaining agents and the Maine Education Association by July 1, 2008;

B. For the bargaining unit of secretaries and educational technicians, a local affiliate of and chartered by the Maine Education Association selected by the existing bargaining agents and the Maine Education Association by July 1, 2008; and

C. For the bargaining unit of custodians and food service workers, the American Federation of State, County and Municipal Employees, or a local affiliate of and chartered by it and selected by

the existing bargaining agents and the American Federation of State, County and Municipal Employees by July 1, 2008.

4. Collective bargaining. If a bargaining agent identified in subsection 3 and the district mutually agree, negotiations for collective bargaining agreements between the agent and the district for the merged unit may commence July 1, 2008. Until new collective bargaining agreements are executed, prior collective bargaining agreements must be honored as provided in paragraph B. When the prior collective bargaining agreement has expired, the parties shall maintain the status quo with respect to mandatory subjects of bargaining in accordance with the Maine Revised Statutes, Title 26, chapter 9-A.

A. A collective bargaining agreement between the participating members and existing bargaining agents executed between the effective date of this Act and June 30, 2008 may not extend beyond August 31, 2010.

B. If a bargaining agent identified in subsection 3 and the district do not mutually agree to commence negotiations as provided in this subsection, any unexpired collective bargaining agreement must be honored to its expiration date unless mutually agreed to otherwise by the public employer and the bargaining agent. A collective bargaining agreement must be bargained on an interim basis for a segment of a merged bargaining unit to the extent required so that all collective bargaining agreements expire on the same date.

Sec. 16. School advisory groups. The board of directors may establish an advisory group for each school of the district and may select parents and other residents to serve in each school advisory group.

Sec. 17. School choice. The board of directors shall establish and from time to time amend a school choice plan to permit parents and guardians to select which public school of the district their children will attend. Any choice under a plan may be made subject to grades taught at that school, space and programming availability and other factors determined by the board of directors. Priority must be given to neighborhood students and students that reside in a participating municipality with no elementary school and then to others as the plan may specify. The board of directors may establish all guidelines and procedures to implement the school choice plan.

Sec. 18. Existing tuition arrangements. If a student that qualifies for a public education by the district is attending a school that is not operated by the district under a paid tuition arrangement of a participating member in effect for the 2007-2008 school year, that student may continue to attend that school through the year of that student's graduating class under the paid tuition arrangement, and a younger sibling of that student also may attend that school under the paid tuition arrangement. In each of these cases, the district is responsible for the tuition cost in accordance with the general laws and applicable tuition agreement, if any, provided that the rate of tuition the district is required to pay does not exceed a rate computed in the same manner as the statewide average per student cost is computed on the effective date of this Act. This section applies only to an eligible municipality that approves this Act on or before November 8, 2007. The board of directors may adopt and amend from time to time a policy to determine any relationships in addition to full-sibling and half-sibling relationships that may qualify for purposes of this section.

Sec. 19. Budget format and procedure. The format and procedure for the school budget to be presented to the voters are the cost center summary budget format and the budget validation referendum procedure, or as may be otherwise required by the general laws. Separate articles or questions may be used to raise and appropriate funds for the adult education budget and other sums that are not part of the annual prekindergarten-to-grade-12 school budget. The format and procedure may only be changed to the extent, if any, permitted or required by the Maine Revised Statutes, Title 20-A, chapter 103-A.

Sec. 20. Woolwich construction project. This section applies only if the Town of Woolwich is a participating member. The costs for the Town of Woolwich's school construction project currently on the State's priority list remains the responsibility of the town during the interim period, but the town's school committee and the initial board of directors of the district have joint decision-making responsibility for that project. Department of Education and State Board of Education approvals for that project are not affected by the assumption of that project by the district, and those approvals are deemed to be approvals of the district. If the project is ready for referendum approval before July 1, 2008, the board of directors is authorized to conduct a referendum for the project and its financing by the district in accordance with the general laws. The referendum may occur during the interim period. Following the interim period, the board of directors is responsible for the financing of that project if approved by the voters of the district. The organization of the district does not affect any state subsidy of debt for this project or the relative portion of that debt paid or reimbursed by the State. The district shall give the Town of Woolwich a reduction in its assessment of the town for costs paid by the Town of Woolwich that are approved by the State Board of Education for inclusion in the project budget and incurred in anticipation of the issuance of refunding bonds for the project.

Sec. 21. Municipal balloting. The municipal officers of each eligible municipality shall submit this Act to a vote of the residents on or before November 6, 2007. Filing and publication requirements, to the extent applicable, may be shortened by the respective municipal officers to comply with this deadline. In the City of Bath, this Act must be submitted to a vote at a referendum election conducted according to the city charter and the laws governing city elections. In each of the other eligible municipalities, this Act must be submitted to a referendum at town meeting under the procedures of the Maine Revised Statutes, Title 30-A, section 2528 and any applicable municipal charter. For purposes of approving this Act, the municipal officers of each participating member shall place a question in substantially the following form before the voters:

> "Do you favor joining with other schools in the lower Kennebec River area to form a regional school unit?"

The municipal officers of an eligible municipality shall file with the State Board of Education an attested return of the voting results in that municipality. The district must be organized under this Act only if the Act is accepted by a majority of the legal voters voting on the question in the City of Bath and in at least 3 of the 5 other eligible municipalities, in which case the district consists of those approving municipalities, and the eligible municipalities that have not accepted this Act are not participating members of the district by virtue of this Act.

Effective September 20, 2007