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An Act To Allow the Town of Arundel To Withdraw from Its Regional School Unit without Penalty

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 20A, chapter 103A requires the reorganization of school administrative units into regional state-approved units of administration; and

Whereas, the Arundel School Department and School Administrative District No. 71 complied with the requirements of the school district reorganization law by forming Regional School Unit No. 21, a regional state-approved unit of administration, which became operational on July 1, 2009; and

Whereas, the requirements of the school district reorganization law pertaining to the withdrawal of a single municipality from a regional school unit are not practical for the Town of Arundel; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Exemption from requirements for withdrawal of a single municipality from a regional school unit. Notwithstanding the Maine Revised Statutes, Title 20A, section 1466, the Commissioner of Education shall authorize the Town of Arundel to withdraw from Regional School Unit No. 21.

Sec. 2. Exemption from penalties applicable to a nonconforming school administrative unit. Upon the withdrawal of the Town of Arundel from Regional School Unit No. 21 as set forth in section 1 and notwithstanding the Maine Revised Statutes, Title 20A, section 15696, the Town of Arundel is not subject to the penalties applicable to a nonconforming school administrative unit.

Sec. 3. Exemption from school administrative unit reorganization requirements; submission of notice of intent. Upon the withdrawal of the Town of Arundel from Regional School Unit No. 21 as set forth in section 1 and notwithstanding the Maine Revised Statutes, Title 20A, chapter 103A and Public Law 2007, chapter 240, Part XXXX, as amended, the Town of Arundel is not required to join with another regional school unit or alternative organizational structure. The Town of Arundel is required to submit a notice of intent to the Commissioner of Education for the purpose of receiving approval as a regional school unit pursuant to Title 20A, section 1461, subsection 3, paragraph C, subparagraph (2).

In administering Title 20A, chapter 103A and for the purposes of implementing Public Law 2007, chapter 240, Part XXXX, section 36, as amended, the Commissioner of Education shall determine that the Town of Arundel has exercised due diligence and demonstrated all reasonable and practical means of satisfying the requirements of Title 20-A, section 1461, shall approve a notice of intent submitted by

the Town of Arundel and shall provide an exemption from and accommodations to Title 20A, chapter 103A similar to those provided to other school administrative units that were approved as regional school units pursuant to the requirements as set forth in Title 20A, section 1461, subsection 3, paragraph C, subparagraph (2).

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill exempts the Town of Arundel from certain requirements contained in the school administrative unit reorganization law. The bill accomplishes the following.

1. It exempts the Town of Arundel from the requirements pertaining to the withdrawal of a single municipality from a regional school unit.

2. It provides that the Town of Arundel may not be subject to the penalties applicable to a nonconforming school administrative unit.

3. It exempts the Town of Arundel from the requirement that it join with another regional school unit or alternative organizational structure.

4. It provides that, upon the submission of a notice of intent to the Commissioner of Education, the commissioner is required to treat the Town of Arundel in a manner similar to the treatment of other school administrative units that were approved as regional school units after receiving exemptions from and accommodations to the Maine Revised Statutes, Title 20A, chapter 103A.