

State of Maine
DEPARTMENT OF EDUCATION
State House Station #23
Augusta, Maine 04333

February 2014

PROCEDURES WHEN CONSIDERING THE REAPPORTIONMENT OF THE BOARD OF SCHOOL DIRECTORS IN A SCHOOL ADMINISTRATIVE DISTRICT OR A COMMUNITY SCHOOL DISTRICT OR A REGIONAL SCHOOL UNIT

To: The Municipal Officers and School Directors Representing Municipalities of a School Administrative District and School Directors Representing Municipalities of a Community School District and Municipal Officers and School Directors Representing Municipalities of a Regional School Unit

The Commissioner of the Department of Education shall determine the necessity for reapportionment in accordance with 20-A M.R.S.A. §1255, § 1651 and §1475 when:

- A. The Commissioner receives a request from the board of directors, or
- B. The Commissioner receives a petition signed by the district voters equal to at least 10 percent of the voters who voted in the last gubernatorial election in all the municipalities comprising the district, or
- C. The Commissioner determines a district is not apportioned to the principles of one person, one vote.

The Commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

Reapportionment may be accomplished by using one of the four methods, *Method A: Subdistrict representation, Method B: Weighted votes, Method C: At-large voting, or Method D: Any other method that meets the requirement of the one person, one vote principle*, as set forth in 20-A M.R.S.A. §1252 or §1472. If the request or petition is received within 12 months before a Federal Decennial Census or Federal Estimated Census, then the Commissioner may wait until after the appropriate census figures are due to be issued before he makes a determination as to whether the district must be reapportioned.

Reapportionment Procedures:

1. The Commissioner must notify the Superintendent of Schools when a district board must be reapportioned, within seven days of the date of the decision that the district's representation is not apportioned in accordance with the principal of one person, one vote. This notification will include the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

2. Upon receiving the Commissioner's notice, the Superintendent of Schools must notify the municipal officers and school directors to establish a reapportionment committee. The superintendent's notification must include
 - A. The commissioner's notification,
 - B. The information provided pursuant to subsection 6 (the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan provided by the Commissioner) and
 - C. The time and place for the first meeting of the committee that must be held not later than 20 days after the notification.
3. The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.
4. The reapportionment committee at its first meeting shall elect from its membership a chairman and a secretary and may adopt rules of procedure to expedite its business.
5. The reapportionment committee shall consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict;
6. Within 90 days of the first meeting, the reapportionment committee shall send a report of their plan to the Commissioner for approval. It may, within the 90-day limit, submit alternative plans for apportionment.
7. The Commissioner shall approve or disapprove a plan within 30 days of receipt of a plan. If a plan is disapproved, other plans may be submitted within the 90-day limit.
8. If no plan has been adopted by the committee or approved by the Commissioner within 90 days of the first meeting of the reapportionment committee, the Commissioner shall prepare a suitable plan.
9. Upon approval of a plan, the Commissioner shall notify the municipal officers and the board of school directors of the approved plan by sending a certified copy to each official. The original of the approved plan shall be retained in the files of the Department of Education.
10. The approved plan shall be effective immediately. The reapportionment committee shall determine the terms of the new directors for any municipality, who shall be elected at the next annual municipal election. Terms shall be determined as required in 20-A M.R.S.A. §1253 or §1472.

11. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved as follows:
 - A. If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.
 - B. If the reduction can not be achieved in accordance with subparagraph (A.) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.
 - C. If the reduction can not be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate.
12. If additional directors are required by the plan in any municipality, the municipal officers shall fill the vacancies by appointment. Such directors shall serve until a successor is elected and qualified at the next annual municipal election.
13. The board of directors, during the reapportionment of its membership shall serve as legal representatives of the district until the reapportionment is completed. The board shall carry out all business of the district, including the borrowing of necessary funds that may be required during the period of reapportionment.
14. After putting the approved plan into effect, the reapportionment committee shall be dissolved.
15. A school administrative district/community school district or interested parties may request that the State Board of Education reconsider decisions made by the Commissioner of Education regarding apportionment. The State Board of Education shall have the authority to overturn a decision made by the Commissioner.