

## Steps to be followed in the Withdrawal Process:

A town that wishes to withdraw from a Regional School Unit shall do so in compliance with [Title 20-A MRS §1466](#): Withdrawal of a Single Municipality from a Regional School Unit.

A Withdrawal Agreement cannot be executed unless there is documentation that each of the following 22 steps has been completed in the specified order. This is intended to assist in the interpretation of statute but not replace statute or the advice of legal counsel.

**Step 1:** A petition requesting withdrawal from a regional school unit, signed by at least 10 percent of the voters in the municipality who voted in the last Governor election, is presented to the municipal officers.

1. Link to [General Election Tabulations for Governor dated November 8, 2022](#)
2. Link to [Sample Petition](#)

**Step 2:** The municipal officers shall call and hold a special election (article) to determine whether to initiate the withdrawal process formally.

- The article must specify a dollar amount to be raised to support legal and other withdrawal process costs.
- The article to be voted upon must be in substantially the following form per Title 20-A MRS §1466 (2):

**Article:** "Do you favor filing a petition for withdrawal with the board of directors of regional school unit (*name of regional school unit*) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (*insert dollar amount*) and authorizing the (*municipal officers; i.e., selectpersons, town council, etc.*) to issue notes in the name of the (*name of municipality*) or otherwise pledge the credit of the (*name of municipality*) in an amount not to exceed \$ (*insert dollar amount*) for this purpose? Yes No"

**Article for withdrawal of a regional school unit composed of a single municipality:** "Do you favor filing a petition for withdrawal from and dissolution of regional school unit (*name of regional school unit*) with the board of directors or regional school unit (*name of regional school unit*) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (*insert dollar amount*) and authorizing the (*municipal officers; i.e., selectpersons, town council, etc.*) to issue notes in the name of the (*name of municipality*) or otherwise pledge the credit of the (*name of municipality*) in an amount not to exceed \$ (*insert dollar amount*) for this purpose? Yes No"

**Step 3:** At least 10 days before the special election, the municipal officers of the municipality within the regional school unit shall hold a public hearing on the petition (article), posted or otherwise advertised.

**Step 4:** The petition to withdraw (article) must be approved by secret ballot by a majority vote of the voters present and voting before it may be presented to the regional school unit board of directors and to the Commissioner of Education.

**Step 5:** If residents of the municipality vote favorably on the petition for withdrawal, the town clerk shall immediately give written notices, by registered mail, to the secretary of the regional

## **Steps to be followed in the Withdrawal Process:**

school unit (in a regional school unit the Superintendent of Schools serves as the secretary per Title 20-A MRS §1055) and to the Commissioner of Education, which shall include:

- A. The petition (article) adopted by the voters, including the affirmative and negative votes cast; and
- B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to withdraw from the regional school unit.

**Step 6:** The Commissioner shall direct the municipal officers of the petitioning municipality to establish a Withdrawal Committee to develop a Withdrawal Agreement pursuant to Title 20-A, M.R.S. §1466(4) (A).

The Four Member Withdrawal Committee shall include members appointed as follows:

- A. One member from the municipal officers.
- B. One member from the general public.
- C. One member from the group filing the petition.
- D. One member of the regional school unit board who represents that municipality.

**Step 7:** The chair of the regional school unit board shall call a meeting of the withdrawal committee within 30 days of the notice of the vote in Step 5. The chair of the regional school unit board will open and preside over the first meeting of the withdrawal committee until the committee elects a chair.

**Step 8:** The Withdrawal Committee shall negotiate a Withdrawal Agreement in compliance with Title 20-A, M.R.S. §1466(4. A), subsections 1-13, with the regional school unit board and shall submit the proposed agreement to the Commissioner within 90 days after the Committee is formed. The Commissioner may grant extensions of time upon the request of the withdrawal committee. Extensions may be requested by emailing [charlotte.ellis@maine.gov](mailto:charlotte.ellis@maine.gov)

**Step 9:** Within 60 days of the receipt of the Withdrawal Agreement, the Commissioner shall either give it conditional approval or recommend changes, based upon whether the contents of the agreement will provide for appropriate educational and related services to the students of the petitioning municipality and for the orderly transition of assets, governance and other matters related to the petitioning municipality and the regional school unit.

**Step 10(a):** If conditional approval is given, the Commissioner shall notify the regional school unit board and the municipal officers by registered mail of the time and place of a public hearing at least 20 days before the date set for the hearing to discuss the merits of the proposed Withdrawal Agreement. The chair of the regional school unit board shall conduct the hearing.

**Step 10(b):** If changes are recommended, the Commissioner shall send the agreement back to the withdrawal committee for necessary corrections; establish a maximum time within which to make the corrections; and indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as outlined in Step 10(a).

## **Steps to be followed in the Withdrawal Process:**

**Step 11:** At least 10 days before the public hearing, the regional school unit board shall post a public notice in each municipality of the time and location of the hearing.

**Step 12:** Within 30 days following the public hearing, the Withdrawal Committee shall develop and forward the final Withdrawal Agreement to the Commissioner.

**Step 13:** On receipt of a final Withdrawal Agreement, the Commissioner may recommend changes. If the Commissioner recommends changes, the Commissioner shall return the final Withdrawal Agreement to the Withdrawal Committee, establish a maximum timeframe, and set out the steps to be followed by the Withdrawal Committee.

**Step 14:** On receipt of a final Withdrawal Agreement for which the Commissioner recommends no changes, the Commissioner approves the final Withdrawal Agreement and determines the date upon which the municipality proposing to withdraw will vote on the Withdrawal Agreement. The vote shall be held as soon as practicable, and the Commissioner shall attempt to set the date of the vote to coincide with a statewide election.

**Step 15:** At least 35 days before the date of the vote, as determined in Step 14, the Commissioner shall give written notice of the date by registered or certified mail to the town clerk or city clerk of the municipality petitioning to withdraw.

**Step 16:** The town clerk or city clerk shall immediately notify the municipal officers upon receipt of the notice under Step 15, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election to be held on the date designated by the Commissioner. No other date may be used.

- The municipal officers shall direct that the polls are to be open at least from 10:00 a.m. and remain open until 8:00 p.m.

**Step 17:** At least 10 days before the special town meeting or city election, the municipal officers shall hold a public hearing, posted or otherwise advertised, on the withdrawal question.

- The article to be voted upon must be in substantially the following form per Title 20-A MRS §1466 (7):

**Article:** "Do you favor the withdrawal of the (*name of municipality*) from the regional school unit (*name of regional school unit*), subject to the terms and conditions of the withdrawal agreement dated (*insert date*)? Yes No"

**Article for a regional school unit composed of a single municipality:** "Do you favor the withdrawal of the (*name of municipality*) from the regional school unit (*name of regional school unit*) and the dissolution of the regional school unit (*name of regional school unit*) subject to the terms and conditions of the withdrawal agreement dated (*insert date*)? Yes No"

- The withdrawal agreement need not be printed on the ballot. Copies of the agreement must be posted in the municipality in the same manner as specimen ballots are posted under Title 30-A MRS §2528.

## **Steps to be followed in the Withdrawal Process:**

**Step 18:** The voting at the meeting held in a town on the Withdrawal Agreement must be conducted in accordance with Title 30-A MRS §2528 and §2529; the voting at the meeting held in a city must be conducted in accordance with Title 21-A.

**Step 19:** The town or city clerk shall, within 24 hours of the determination of the results of the vote on the Withdrawal Agreement, certify the total number of “yes” and the total number of “no” votes on the article to the Commissioner.

**Step 20(a) [Effective for a municipality of a school administrative unit (SAD) that was reformulated as a regional school unit (RSU)]:** If the Commissioner finds that a 2/3 majority of the voters voting on the article have voted “yes”, the Commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

**Step 20(b) [Effective for a municipality of a regional school unit (RSU)]:** If the Commissioner finds that a majority of the voters voting on the article has voted “yes”, and the total number of votes cast for and against the article equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election, the Commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

Link to [General Election Tabulations for Governor dated November 8, 2022](#)

**Step 21:** When the district board of directors and the municipal officers of the town proposing to withdraw have executed the Withdrawal Agreement, they shall notify the Commissioner by certified mail.

**Step 22:** Once all the above steps are completed, the Commissioner shall immediately issue a Certificate of Withdrawal, to be sent by certified mail for filing with the regional school unit board, and shall file a copy with the office of the Secretary of State, Corporate Division.