

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 234

H. P. 215

House of Representatives, January 14, 1981

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify Residence for Educational Purposes.

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

Sec. 1. 20 MRSA § 1291, sub-§ 8 is enacted to read:

8. Emancipated children. Children reaching the age of 18 and no longer attending a secondary school operated by or contracted for by their local administrative unit and no longer residing with their parent and having no legal guardian are considered emancipated. In such cases, the administrative unit, wherein the pupil resides, is responsible for his education and related costs.

Sec. 2. 20 MRSA § 3124, first ¶, as repealed and replaced by PL 1975, c. 732, § 2, is amended by adding at the end two new sentences to read:

Children who are not state wards, but who reside in residential facilities in the geographic area covered by the local unit, may not be denied less restrictive education opportunities in a public school operated by the administrative unit on the grounds that tuition students are not accepted. Nothing in this Part shall be construed to alter requirements of any other Part for financial responsibility by any other administrative unit or the State.

STATEMENT OF FACT

Current law is unclear as to whether or not a local administrative unit must provide an educational program for a child residing in a residential facility if his parent or guardian resides in another administrative unit. Some administrative units will not accept tuition students, thereby denying the child, in residential treatment, an opportunity for a less restrictive educational program if such is consistent with his individual educational plan.

The purposes of this bill are as follows:

1. The change in Title 20, section 1291 clarifies who is responsible for the educational program of an emancipated, legally competent adult who does not reside with his parents. Currently, there is question as to whether when a child reaches the age of 18 they retain their parents residence for educational purposes or whether they establish their own residence; and
2. The change in Title 20, section 3124 clarifies that the local administrative unit wherein the child resides must provide an educational program. This does not effect other statutory requirements for financial responsibility which may remain with the unit in which the parent or guardian resides.