

MAINE STATE LEGISLATURE

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CHAPTER 113
HIGH SCHOOLS

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§ 1281. Requirements

The secondary schools of this State shall be evaluated for basic approval and may be evaluated for accreditation. No school shall be given basic approval for attendance, tuition or subsidy purpose within this Title unless it meets the following requirements:

1. Course of study approved. It maintains a course of study approved by the commissioner.

2. Length of school day. It has a school day of sufficient length to allow 200 minutes per week for each period in the basic schedule.

3. Minimum school year. It has a minimum school year of 180 legal school days.

4. Certified or licensed teachers. It employs one or more certified or licensed teachers for each 2 grades of its organization.

5. Pupil-teacher ratio. It has a pupil-teacher ratio of not more than 30 to one.

6. Hygienic facilities and equipment. It has safe and hygienic facilities, adequate equipment and supplies, all of which comply with the regulations established by the Department of Health and Welfare and the Department of Education.

7. Consecutive grades. It is organized to include not less than 2 consecutive grades from 7 to 12. A school will be classified as a junior high school when it includes any combination of 2 or more consecutive grades 7 through 10 and meets standards of organization and curriculum as established by the state board.

1961, c. 174, § 1.

8. Requirements for graduation. The requirements for graduation include 16 Carnegie units earned in grades 9 through 12, 4 of which shall be in English and one in American history.

9. Records. It has adequate, safely protected records.

Any approved school may apply to the commissioner for recognition as an accredited school. The commissioner, with the approval of the state board, shall establish requirements for accreditation which shall include nationally recognized standards, including quality of instruction, school facilities and curriculum content. The commissioner shall appoint an advisory committee consisting of professional and lay persons to assist in the development of these standards. No school shall be accredited until it has been evaluated by a committee qualified to appraise its functions and the success attending its program.

R.S.1954, c. 41, § 98; 1955, c. 369, § 1; 1961, c. 174, § 1.

§ 1282. Junior high school defined

A junior high school shall include such schools as maintain a diversified program of studies approved by the commissioner, for such grades or years as he shall prescribe, throughout a school year of at least 36 weeks. Any combination of 2 or more consecutive grades, 7 through 10, as defined in section 1281, may be included in such a school. The cost of maintenance may be taken from high school funds, or from high school funds and elementary school funds combined, in proportion to the cost of maintenance of the several grades. A school of this class may be maintained in connection with or as a part of an approved or accredited high school as defined in section 1281. Any approved

junior high school may apply to the commissioner for recognition as an accredited school.

1961, c. 174, § 2.

§ 1283. Administrative units not obliged to pay tuition; exception

An administrative unit maintaining an approved secondary school as defined in section 1281 shall not be required to pay tuition for any pupil, until he has completed that part of the course or the equivalent thereof of said school approved by the commissioner, except as provided by section 1291.

R.S.1954, c. 41, § 99; 1955, c. 369, § 2; 1957, c. 364, § 54; 1959, c. 259, § 1.

§ 1284. Schools inspected

All schools of secondary grade receiving state aid shall be inspected under the direction of the commissioner and the expense thereof shall be paid from the state appropriation for the support of high schools. He shall determine what schools are approved for attendance, tuition and subsidy purposes and what schools are accredited through the procedures described in section 1281.

R.S.1954, c. 41, § 100; 1955, c. 369, § 3.

§ 1285. Free high schools; transportation; gifts; misapplication of funds

Any administrative unit may establish and maintain free high schools. Two or more adjoining administrative units may unite in establishing and maintaining a free high school and both shall receive the same state aid as if such school had been maintained by one town. Any administrative unit may, in addition to the sums raised for the support of high and public schools, raise and appropriate a sum for the payment of conveyance or board of pupils attending secondary schools, said sum to be expended under the direction of the superintending school committee. In cases of pupils who reside on islands within administrative units and on which there is no secondary school and from which regular transportation lines are established and in operation, said administrative units shall pay transportation charges of said children. Such transportation shall be over regular lines, at not to exceed regular fares and no subsidy. Transportation lines shall

have the privilege of establishing such school fares, not to exceed the regular fare, as may be agreed upon by the officials of said transportation lines and the school directors or school committee of the administrative unit of which said islands are a part. Administrative units shall receive in trust and faithfully expend gifts and bequests made to aid in the maintenance of free high schools, and shall receive aid in such cases to the same extent and on the same conditions as if such schools had been established and maintained by taxation. Any administrative unit shall receive such state aid on any expenditure for a free high school or schools, made from the funds or proceeds of the real estate of an academy or incorporated institution of learning, surrendered or transferred to such administrative unit for educational purposes; but if any part of the money so paid by the State is expended for any other purpose than the support of such free high schools, then each person so misapplying said money forfeits double the sum so misapplied, to be recovered in a civil action, in the name and to the use of the administrative unit by any inhabitant thereof. No administrative unit shall receive further support from the State for any free high school until the amount so received but misapplied has been raised and expended for such free high school by such administrative unit.

R.S.1954, c. 41, § 101; 1957, c. 364, § 55; 1961, c. 317, § 86; c. 366, § 6.

§ 1286. Course of study; free tuition; outside pupils

The course of study in the free high schools shall embrace the ordinary English academic studies which are taught in secondary schools, especially the natural sciences in their application to mechanics, manufactures and agriculture; but the ancient or modern languages and music shall not be taught therein except by direction of the superintending school committees or school directors having supervision thereof. Such schools, when established by any administrative unit, shall be free to all the youth in such administrative units who have such scholastic attainments as will fit them to attend such schools with profit, and the superintendent, superintending school committee or school directors having supervision thereof shall make such examination of candidates for admission to said schools as they consider necessary.

Whenever in the judgment of the superintending school committees or school directors having the supervision of any free high school or schools, the number of pupils in the same may be in-

creased without detriment, scholars from without the towns directly interested in such school or schools may be admitted to the same on passing the required examination and paying such tuition, as may be fixed by such committee or directors, to the treasurer of the administrative unit in which the school is located.

R.S.1954, c. 41, § 102; 1957, c. 364, § 56.

§ 1287. Subject to school laws; management and supervision

Free high schools, established and maintained under sections 1281 to 1286 are subject to the laws relating to public schools, so far as applicable, except as otherwise provided. When established and maintained by an administrative unit, they shall be under the supervision and entire management of the superintending school committee or school directors of such administrative unit. When established and maintained by a union of towns, such school shall be under the supervision and entire management of the school committees of such towns, who constitute a joint board for that purpose.

R.S.1954, c. 41, § 103; 1957, c. 364, § 57.

§ 1288. Maintained by administrative units

Administrative units may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipment for the same, in the same manner as for supporting public schools and erecting schoolhouses.

R.S.1954, c. 41, § 104; 1957, c. 364, § 58.

§ 1289. Pupils in administrative units without approved secondary schools

Any administrative unit which does not maintain an approved secondary school may authorize its superintending school committee to contract for one to 5 years with and pay the superintending school committee or school directors of any nearby administrative unit, or the trustees of any academy located within such town or in any nearby town or towns, for the schooling of all or part of the pupils within said administrative unit in the studies contemplated by section 1281. The school directors of any school administrative district may enter into similar contracts. When such a contract exists, a joint committee may be formed, if approved by a majority vote of both the trustees and

the superintending school committee or school directors. Such joint committee shall consist of the superintending school committee or school directors of said administrative unit and an equal number of the trustees of the academy. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction and to formulate and enforce proper regulations pertaining to other educational activities of the school. The superintendent of schools of the contracting administrative unit in which the academy is located shall be secretary ex officio of the joint committee and shall be assigned such supervisory duties in connection with the school as the joint committee shall determine. When an administrative unit has made a contract as provided for in this section, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1, 1907, the tuition liability of said administrative unit shall be the same as if an approved secondary school were maintained in accordance with section 1281, and the expenditure of any administrative unit for schooling of pupils as provided in this section shall be subject to the conditions of sections 1291 and 1292 for the purposes of state subsidy to the administrative unit under section 3723.

R.S.1954, c. 41, § 105; 1955, c. 233, § 1; c. 369, § 4; 1957, c. 142, § 3; c. 364, § 59; c. 443, §§ 17, 18; 1959, c. 259, § 2.

§ 1290. State aid

No administrative unit shall receive state aid under section 1289 if an approved public secondary school is maintained by such administrative unit.

R.S.1954, c. 41, § 106; 1955, c. 369, § 5; 1957, c. 364, § 60; 1959, c. 259, § 3.

§ 1291. Attendance where no secondary school; occupational courses; tuition; board

Any youth whose parent or guardian maintains a home for his family in any administrative unit which does not support and maintain an approved secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof. When an administrative unit not maintaining a secondary school has authorized its superintending school committee to contract, or the school directors have decided to contract, as provided for in section 1289, with

the trustees, superintending school committees or school directors of 2 schools, and when the officials of one of these schools refuses to enter a contract, then the superintending school committee or school directors may authorize pupils residing within said administrative unit to attend that noncontracting school and may pay the trustees, superintending school committee or school directors of the receiving school the legal tuition charge thereof. Any youth whose parent or guardian maintains a home for his family in an administrative unit that maintains, or contracts for school privileges in, an approved secondary school which offers less than 2 approved occupational courses of study, and who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school to which he may gain admission for the purpose of studying an occupational course not offered or contracted for by the administrative unit of his legal residence.

In the case of any youth attending school, under conditions as provided for in the preceding paragraph, in schools in which the average daily membership, as reported in the preceding year, is 100 or more students, and the school offers at least 2 occupational courses, the annual tuition shall not exceed 125% of the average cost per pupil in all secondary schools of the State for the current fiscal year; except that, for schools with fewer than 100 pupils enrolled or not offering at least 2 or more occupational courses, the tuition shall not exceed the average cost per pupil in all secondary schools of the State for the current fiscal year. Said tuition shall be paid by the administrative unit in which said youth resides and said tuition shall be payable for the fall term of school on January 1st, for the winter term of school on April 1st, and in full on or before August 1st following the close of the school year. Said tuition so paid shall be made a part of the secondary school fund of the administrative unit or academy receiving the same. Administrative units shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. No youth shall be entitled to free tuition under this section unless he shall have satisfactorily passed an examination in elementary school branches, said examination having been given under the direction of the superintendent of schools of the administrative unit wherein such youth resides on papers procured from the commissioner, or unless such youth shall have satisfactorily completed a standard elementary school course of study which has been approved by the commissioner; except that any youth who has satisfactorily completed the course of study of an approved secondary school in which the program of studies

terminated before the 12th grade, as provided by section 1281, shall be entitled to his free tuition, for the completion of grades 9 to 12 in an approved secondary school without the examination prescribed. Such free tuition privilege shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship. Any youth who otherwise meets the requirements of this section for admission to grade 9 shall be entitled to the payment of his tuition in any approved secondary school offering part or all of the program of grades 9 through 12. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under this section. Any school receiving tuition pupils under this section shall provide, without additional charge, all textbooks, apparatus and appliances used by said pupils, subject to sections 856, 857 and 3774.

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family on a Maine coast island without highway connection with the mainland in any administrative unit not maintaining an approved secondary school, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the administrative unit wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed \$353 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not longer than one school month and shall be charged to the same account as that of secondary school tuition.

Notwithstanding the foregoing, the Town of Cumberland may pay the tuition, and in addition, conveyance or board subject to the regulations of the superintending school committee of any student whose parent or guardian maintains a home for his family on Chebeague Island, for attendance at any approved secondary school. These expenditures shall be subject to state subsidy under section 3723.

R.S.1954, c. 41, § 107; 1955, c. 252; c. 369, § 6; 1957, c. 364, § 61; c. 377, § 1; c. 443, §§ 19, 20; 1959, c. 259, § 4; 1961, c. 248, § 1.

§ 1292. Reimbursement to administrative units for tuition and board for pupils attending secondary schools

When any administrative unit shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section 1291, the superintendent of schools of such administrative unit shall make a return under oath to the commissioner before the first day of September, annually, for the preceding school year, stating the name of each pupil for whom tuition has been paid, the amount paid by the administrative unit for each and the name and location of the school which each has attended. Tuition charges for each pupil may be paid by administrative units to an amount not exceeding the receiving school's average cost per pupil for the current fiscal year; except that payments in excess of said average cost may be made by vote of the sending administrative unit, but such payment by an administrative unit for any pupil for any one year shall be subject to the limitations of section 1291. The average cost per pupil shall be determined as follows: (1) Add the amounts paid for certified teachers' salaries, fuel, janitor service, textbooks, supplies, utility services, premiums paid on insurance and 8% of the insured value of the school buildings and equipment, said sums to be taken from reports filed with the commissioner in the year for which tuition is being computed, (2) divide the total by the average daily membership of all regularly enrolled students of the preceding school year. Any administrative unit not maintaining a high school may pay tuition for any student who with parents or guardian resides in said administrative unit and who attends an approved school of secondary grade in an administrative unit adjacent to the State of Maine in another state, when distance and transportation facilities make attendance in a Maine high school or academy inexpedient; or who attends an approved school of secondary grade in another state when said school specializes in the correction of physical defects and when by reason of a physical disability the individual requires a specialized type of training available in said school but not obtainable in any approved secondary school in the State of Maine.

When pupils are sent from one administrative unit to an approved secondary school in another, if any accounts for tuition of such pupils are not paid on or before August 15th of that year, the commissioner shall pay such accounts, or so much thereof as he shall find to be rightly due, to the treasurer of the receiving administrative unit, academy, institute or seminary at the next regular annual apportionment, together with interest on such

accounts at the rate of 6% annually, computed from said August 15th, and the commissioner shall charge any such payment against the apportioned fund of the sending administrative unit.

When any administrative unit shall have been required to pay and has paid board for a youth or youths attending secondary school in accordance with section 1291, the superintendent of schools of such administrative unit shall make a return under oath to the commissioner on a form provided for the purpose before the first day of September, annually, for the preceding school year, stating the name and exact residence of each youth for whom board has been paid, the amount paid by the administrative unit for each and the name and location of the school which each has attended. Upon the approval of said return, the commissioner shall apportion to such administrative unit a sum equal to $\frac{1}{2}$ the amount thus paid by such administrative unit.

R.S.1954, c. 41, § 108; 1957, c. 364, § 62; c. 377, § 2; c. 443, § 21; 1961, c. 248, § 2; 1963, c. 403, § 7.

§ 1293. Tuition for state wards

Administrative units which do not maintain or support a secondary school shall be reimbursed by the Department of Health and Welfare for the amounts expended by them for secondary tuition of state wards residing in such administrative units.

R.S.1954, c. 41, § 109; 1957, c. 364, § 63.

§ 1294. Returns to commissioner of expenditure for free high schools; amounts certified; appeal

Superintendents shall, annually, before the first day of July, make returns under oath to the commissioner on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each administrative unit for instruction in such free high schools during the current year; the amount appropriated and the amount expended for elementary school purposes by each administrative unit maintaining the same; the number of weeks during which such schools have been taught; the wages paid each teacher; the number of pupils registered, the average attendance, and the number of pupils in each branch of study pursued, and the amount received for tuition. If the commissioner is satisfied that sections 1281 to 1289 have been complied with, he shall certify to the Governor and Council the sum which each administrative unit is entitled to receive from the State. In case any ad-

ministrative unit has failed to comply with any of said sections by reason of circumstances beyond its control, he may after proper investigation certify such part of the high school aid as circumstances may justify. Any administrative unit dissatisfied with his decision may appeal to the Governor and Council, and the Governor and Council shall issue a certificate to the treasurer of the administrative unit for such amount as they adjudge such administrative unit entitled to receive from the State Treasury.

R.S.1954, c. 41, § 110; 1957, c. 364, § 64.

§ 1295. Defrauding State

Any person connected with the management of free high schools coming under section 1294, either as teacher, agent or superintendent, who in any way aids or abets in defrauding the State into the payment in support of said schools of more than is contemplated by this Title, shall be punished by a fine of not less than \$500 or by imprisonment for not less than one year.

R.S.1954, c. 41, § 111.