

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date January 18, 1968

To Asa A. Gordon, Director
School Administrative Services
From Phillip M. Kilmister, Assistant

Dept. Education
Dept. Attorney General

Subject General Purpose Aid for School Administrative District #6.

FACTS:

The computation of general purpose aid for School Administrative District #6 for 1966 was \$220,241.64 plus a 10% bonus of \$22,024.16 if the District maintained a kindergarten grade. In 1966 S.A.D. #6 did not maintain a kindergarten grade and hence was not eligible for the bonus. The actual computation for 1967 was \$208,376.59 plus 10% or \$20,837.65 if a kindergarten was maintained. The last sentence of the first paragraph of 20 M.R.S.A. § 3723 provides that the aid to a district for 1967 can be no less than the aid given for the year 1966 if certain conditions exist. It is stated as a fact that if S.A.D. #6 had not started kindergarten instruction in 1967 the District would have been entitled to receive the 1966 computation of \$220,241.64 in aid rather than the 1967 computation of \$208,376.59. In 1967 a kindergarten grade was established.

QUESTION:

Because of the establishment of a kindergarten grade, does S.A.D. #6 qualify for 10% additional state aid based upon the 1966 computation (\$220,241.64), or the 1967 computation of \$208,376.59?

ANSWER:

The 1966 computation which would result in a total of \$242,265.80 in aid for the year 1967.

OPINION:

School Administrative Districts formed pursuant to the terms of Chapter 9 of Title 20 of the Revised Statutes of Maine are entitled to receive an additional 10% of the amount of state aid annually allotted to them during the first four years of their existence. Continuous eligibility for this 10% additional aid, or so-called "bonus," is contingent upon a district providing a kindergarten and certain types of secondary school facilities at the expiration of 4 years of a district's formation. At the expiration of 4 years from its establishment S.A.D. #6 did not provide kindergarten instruction and therefore failed to qualify for the 10% bonus provided by statute.

20 M.R.S.A. § 3456 reads in part as follows:

"In the event that the School Administrative District, within 4 years of the time of its formation, fails to provide the following, the additional bonus payable under this section shall not be paid the district thereafter until such time as such provisions are made." (Emphasis supplied.)

The word "provisions" in the above-quoted statutory language refers to the maintenance of certain secondary school facilities and also the establishment of "a program which includes kindergarten through grade 12." (See 20 M.R.S.A. § 3456 in toto)

In 1967 a kindergarten was established and since the required secondary school facilities were already being maintained, it is clear that once again S.A.D. #6 became eligible to receive an additional 10% of state aid available to them pursuant to the terms of 20 M.R.S.A. §§ 3722, 3723.

20 M.R.S.A. § 3723 provides a protective clause for districts where their per pupil expenditure is no less in the years 1964 through 1966 than it was in the years 1962 through 1964 in that aid given to a district in the year 1967 may not be less than the aid provided a district in the year 1966.

20 M.R.S.A. § 3723 provides in part as follows:

"If a unit's per pupil expenditure is no less on the average in the years 1964-65 and 1965-66 than it was on the average in the years 1962-63 and 1963-64, the state aid for 1967 may not be decreased below the amount of general purpose aid received in the year 1966."

The 1967 computation of state aid for S.A.D. #6 was \$208,376.59 plus a 10% bonus or \$20,837.65 for a total amount of aid of \$229,214.24. This amount is larger than the \$220,241.64 general purpose aid computed and payable to the District for the year 1966 when the District did not qualify for 10% additional aid. Arguably, the terms of 20 M.R.S.A. § 3723 are not violated should the District be paid \$229,214.24 for the year 1967.

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We believe that the 10% bonus in aid should be computed on the base figure of \$220,241.64 (1966 state aid computation) however. The Legislature intended to protect districts such as S.A.D. #6 from receiving less in aid in 1967 than they were eligible to receive in 1966. Had S.A.D. #6 provided kindergarten instruction in 1966 it would have received \$220,241.64 plus a 10% bonus of \$22,024.16 or a total of \$242,265.80 in state aid.

The District in 1967 was entitled to receive at least as much state aid as it received in 1966. In addition, it was entitled to a bonus of 10% of said amount of aid if certain additional educational facilities were provided for during the year 1967.

We believe it would be inconsistent and also manifestly unfair to hold that a District is entitled, under certain circumstances, to an established minimum amount of aid in 1967, but is not entitled to receive the maximum amount of aid for which it may qualify in the same year.

For the sake of illustration let it be assumed that the 1967 computation of aid for S.A.D. #6 was \$198,217.48 instead of \$208,376.59 and that the District established a kindergarten during the school year. The District would qualify for a 10% bonus and if the 1967 computation base were used, said District would be eligible for \$218,039.23. This figure is less than the 1966 computation of \$220,241.64 so the District would qualify for the latter amount.

The higher base period of 1966 should be used to compute the bonus allowance. As the illustration above shows, to hold otherwise would be to encourage school districts to refrain from establishing kindergarten grades and the added expenditure of funds incurred in conducting same, if said districts are not going to be eligible to receive additional state aid as a reward for their efforts.


Phillip M. Kilmister
Assistant Attorney General

PMK/slf