

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

January 6, 1986

Honorable N. Paul Gauvreau
56 Tampa Street
Lewiston, Maine 04240

Dear Senator Gauvreau:

This will respond to your letter of September 13, 1985, in which you request an Opinion of this Department concerning the following questions:

1. May parochial school teachers apply for and receive Blaine House Scholars and Financial Assistance loans under the provisions of 20-A M.R.S.A. § 12505(2)?
2. Would passage of legislation applying the loan cancellation provisions of the Blaine House Scholars and Financial Assistance Program to parochial school teachers constitute enactment of a law respecting the establishment of religion and, thus, violate the First Amendment to the United States Constitution as made applicable to the states by the Fourteenth Amendment?

For the reasons discussed below, it is the Opinion of this Department that, pursuant to 20-A M.R.S.A. § 12505(2), parochial school teachers in Maine are eligible to apply for and receive loans under the Blaine House Scholars and Financial Assistance Act. This Department further concludes, however, that legislation applying the loan cancellation provisions of the Blaine House Scholars and Financial Assistance Program to teachers in parochial schools would, if enacted, violate the Establishment Clause of the First Amendment to the United States Constitution.

APR 29 1986

I. The Blaine House Scholars and Financial Assistance Program

During its third special session, the 111th Legislature enacted 20-A M.R.S.A. § 12501-12510 (P.L. 1985, c. 859, Part F) and established the Blaine House Scholars and Financial Assistance Program "to recognize Maine high school graduates who attain high academic achievement, and to provide financial assistance for post-secondary education of high school students and advanced degree or continued study by teachers."

20-A M.R.S.A. § 12502. Under this Program, qualified students and teachers may receive interest-free loans "of up to \$1,500 per academic year or \$6,000 total. . . ." 20-A M.R.S.A. § 12504. The eligibility criteria for teachers are stated in 20-A M.R.S.A. § 12505(2) as follows:

Graduate study or continuing education loans shall be given only to a teacher in a Maine school. Preference shall be given to teachers of subjects which have been determined to be underserved."^{1/}
(emphasis supplied)

A loan given to a qualified teacher under the Program may be cancelled, in whole or in part, under certain circumstances, as described in 20-A M.R.S.A. § 12508:

Each recipient of a loan designated for teachers pursuing an advanced degree or continued study may cancel the total amount of the loan by completing 2 years of return service in the public schools or private schools approved for tuition purposes in the State. The repayment period shall be one year if return service is performed in underserved subject areas or in geographically isolated areas as determined

^{1/} The term "underserved subject areas" is defined to mean:

. . . those subjects or programs, required or authorized to be taught in the public schools for which there is an insufficient supply of teachers, as may be determined by the commissioner, including but not limited to, special education, computer studies, science and math.

20-A M.R.S.A. § 12501(7).

by the commissioner. Return service may also cancel the loan on a proportional basis, reducing the total amount of the debt by 50% for each year of return service. Return service for this purpose shall be performed within 3 years of graduation from the institution of higher education or completion of the course or courses for which the funds were given.^{2/}

Among other requirements, in order for a private school to be "approved for tuition purposes," it must be "a nonsectarian school in accordance with the First Amendment of the United States Constitution." 20-A M.R.S.A. § 2951(2). Accordingly, "return service" by a teacher in a parochial or religious school does not qualify for cancellation of loans awarded under the Blaine House Scholars and Financial Assistance Program.^{3/}

Finally, a Program loan which has not been cancelled, either in whole or in part, must be repaid to the State "within 3 years of graduation from the institution of higher education or courses for which the funds were given according to a schedule established by the commissioner." 20-A M.R.S.A. § 12508(2).

II. Eligibility of Parochial School Teachers to Apply for and Receive Loans under the Blaine House Scholars and Financial Assistance Program

Your first question seeks this Department's interpretation as to whether, under existing provisions of law, parochial or

^{2/} The term "return service" is defined to mean:

. . . teacher service in public elementary or secondary schools in Maine or a Maine private school approved for tuition purposes for a full school year.

^{3/} Blaine House Scholar loans made to high school graduates may also be cancelled by completing the required "return service" "in the public schools or private schools approved for tuition purposes." 20-A M.R.S.A. § 12507. In the case of such loans, total cancellation of the loan requires 4 years of "return service" or 2 years in underserved subject areas, and partial cancellation at the rate of 25% per year of return service is also allowed.

religious school teachers may apply for and receive Blaine House Scholars and Financial Assistance Program loans. It is the Opinion of this Department that they may.

As noted above, the only eligibility criterion for graduate study or continuing education loans under the Program is that the recipient be "a teacher in a Maine school." 20-A M.R.S.A. § 12505(2). In contrast, the Legislature clearly expressed its intention that the provisions governing the cancellation of Program loans be limited to "return service" in public schools and private schools "approved for tuition purposes," thereby excluding "return service" in parochial or religious schools from qualifying for loan cancellation. It thus appears that the Legislature made a deliberate choice to make Program loans available, within budgetary limitations, to any teacher "in a Maine school."

It is, of course, a fundamental principle of statutory interpretation that the words of a statute are to be given their common meaning, unless specifically defined otherwise. 1 M.R.S.A. § 72(3). See generally State v. Vaino, 466 A.2d 471, cert. denied, 104 S.Ct. 2385 (1983); Concord General Mutual Ins. Co. v. Patrons-Oxford Mutual Ins. Co., 411 A.2d 1017 (1980). Accordingly, it is the Opinion of this Department that the phrase "a teacher in a Maine school" in 20-A M.R.S.A. § 12505(2) means exactly what it says and includes a teacher in a parochial or religious school in Maine.⁴®

^{4/} Pursuant to 20-A M.R.S.A. § 12510, the Commissioner of Educational and Cultural Services has promulgated rules implementing the Blaine House Scholars Program. See Rules for the Conduct of the Blaine House Scholars Program, Me. Dep't. of Ed. & Cult. Services Reg. ch. 136 (Jan. 24, 1985 and Nov. 20, 1985), a copy of which is attached. Section 1 of these rules defines the term "teacher" to mean only those persons who are employees of "a public school or private school approved for tuition purposes" and certain state operated schools. Thus, the Department's rules prohibit teachers in sectarian schools from receiving loans in the first instance. While this provision may represent a reasonable administrative policy on the part of the Department, it is not, as indicated in Part II of this Opinion, required by the statute. Nor, as indicated in Part III of this Opinion, would permitting eligibility for loans to sectarian school teachers violate the Establishment Clause. Thus, the rule may safely be altered to permit such eligibility.

III. Constitutionality of Legislation Permitting
Return Service in Parochial or Religious Schools
to Qualify for Loan Cancellation

Your second question calls upon this Office to express its Opinion on the constitutionality of legislation permitting "return service" in parochial or religious schools to cancel loans awarded pursuant to the Blaine House Scholars and Financial Assistance Program. While recognizing that cases arising under the Establishment Clause of the First Amendment have presented "some of the most perplexing questions to come before" the United States Supreme Court,^{5/} it is the Opinion of this Department, based upon existing Supreme Court precedent, that the enactment of legislation to accomplish the purpose described above would violate that constitutional provision.

In Lemon v. Kurtzman, 403 U.S. 602 (1971), the United States Supreme Court articulated a three-part test to "serve . . . as guidelines with which to identify instances in which the objectives of the Establishment Clause have been impaired." Meek v. Pittenger, 421 U.S. 349, 359 (1975).

Every analysis in this area must begin with consideration of the cumulative criteria developed by the Court over many years. Three such tests may be gleaned from our cases. First, [in order not to violate the Establishment Clause] the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster 'an excessive governmental entanglement with religion.'

Lemon v. Kurtzman, 403 U.S. at 612-613. The United States Supreme Court has recently reaffirmed "that state action alleged to violate the Establishment Clause should be measured

^{5/} Committee for Public Education v. Nyquist, 413 U.S. 756, 760 (1972).

against the Lemon criteria."^{6/} Grand Rapids School District v. Ball, --U.S.--, 105 S.Ct. 3216, 3223 (1985).

You have informed this Department that during the First Session of the 112th Legislature, you sponsored legislation to amend the Blaine House Scholars and Financial Assistance Program to permit "return service" for loan cancellation purposes to be performed in "parochial schools approved by the commissioner." (See Legislative Document No. 1143). After examining L.D. 1143, it is the Opinion of this Department that it has a secular purpose and, consequently, would not violate the Establishment Clause on that basis.

The Statement of Fact accompanying L.D. 1143 provides, in relevant part:

This bill will accord to parochial school teachers the same opportunity to secure forgiveness to [sic] their school loans as is now provided to teachers in public schools or private schools approved for tuition purposes. Parochial schools provide an educational opportunity for hundreds of elementary and secondary students. Frequently parochial school teachers receive lower wages and benefits than their counterparts in the public school system. The need for quality exists as strongly in the parochial school system as it does in the public sector. This bill encourages bright individuals to enter the teaching profession without regard to the religious orientation of the teaching unit.

^{6/} Before applying the three-part analysis described above, it is necessary to clarify certain terms. In your letter of September 13, 1985, you refer simply to "parochial" schools. The Supreme Court has observed that not all religious schools share the same characteristics. Nevertheless, in evaluating various programs providing some form of aid to "parochial" schools, the Court has attempted to determine whether the institutions benefitting therefrom are "pervasively sectarian," i.e., characterized by an affirmative purpose to promote religious beliefs. Grand Rapids School District v. Ball, 105 S.Ct. at 3223; Hunt v. McNair, 413 U.S. 734, 735 (1973); Walz v. Tax Commission, 397 U.S. 664, 671 (1970). Throughout the course of this Opinion, it is in that sense that the term "parochial" or "religious" school is used.

It seems apparent that the legislative purpose of L.D. 1143 was secular in nature, namely, to improve the quality of education provided to school-age children, regardless of whether they are attending public or private schools. Such a purpose is clearly secular in nature and would not violate the "purpose" test as formulated by the Supreme Court. See Sloan v. Lemon, 413 U.S. 825, 829-30 (1973); Committee for Public Education and Religious Liberty v. Nyquist, 413 U.S. at 773; Lemon v. Kurtzman, 403 U.S. 602 (1971). Compare Wallace v. Jaffree, --U.S.--, 105 S.Ct. 2479, 2490 (1985) (expressed purpose of Alabama statute was to return voluntary prayer to public schools and therefore statute had no secular purpose).

As is often the case, however, legislative enactments which have secular purposes may nevertheless violate the Establishment Clause because they have a primary or principal effect which advances religion or because they create the potential for excessive governmental entanglement with religion. If legislation similar to L.D. 1143 were enacted, its primary and principal effect would be to allow individuals to cancel state-paid loans in return for teaching in parochial or religious schools. Based upon an examination of relevant Supreme Court precedent, it is this Department's Opinion that such an "effect" would violate the Establishment Clause of the First Amendment. Moreover, attempts by government officials to monitor teachers in religious schools to make certain that only secular subjects were taught would excessively entangle the State with religion and violate the Establishment Clause for that reason as well.

In Lemon v. Kurtzman, 403 U.S. 602 (1971), the Supreme Court invalidated a Rhode Island law which provided for a direct 15% reimbursement to teachers in sectarian elementary and secondary schools, and a Pennsylvania law giving a limited reimbursement to sectarian elementary and secondary schools for teacher salaries, text books and instructional materials. Although the salary reimbursements were available only to teachers who taught secular subjects, the Supreme Court rejected the argument that secular teaching and religious instruction can be isolated in a pervasively religious environment.

We . . . recognize that a dedicated religious person, teaching in a school affiliated with his or her faith and operated to inculcate its tenets, will inevitably experience great difficulty in remaining religiously neutral. Doctrines and faith are not inculcated or advanced by neutrals. With the best of intentions such a teacher would find it hard to make a total

separation between secular teaching and religious doctrine.

Id. at 618-169.

The same result was reached in Meek v. Pittenger, 421 U.S. 349 (1975) in which the Court struck down a statute providing for the loan of state-paid professional staff - including teachers - to non-public schools to provide remedial and accelerated instruction, guidance counseling and testing, and other services on the premises of non-public schools. The Court held that the programs in question involved an unacceptable risk that state-sponsored instructional personnel would "advance the religious mission of the church-related schools in which they serve," since "[w]hether the subject is 'remedial reading', 'advanced reading,' or simply 'reading,' a teacher remains a teacher, and the danger that religious doctrine will become intertwined with secular instruction persists." Id. at 370.

During its 1984-1985 Term, the Supreme Court invalidated two programs operated by the Grand Rapids School District whereby public school teachers taught secular subjects in parochial schools either during the regular school day or after school. Once again, the Court ruled the programs unconstitutional because of the danger that teachers in a pervasively religious environment "may well subtly (or overtly) conform their instruction to the environment in which they teach. . . ." Grand Rapids School District v. Ball, 105 S.Ct. 3225. Moreover, the Court explained

. . . that an important concern of the effects test is whether the symbolic union of church and state effected by the challenged governmental action is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices. The inquiry into this kind of effect must be conducted with particular care when many of the citizens perceiving the governmental message are children in their formative years. The symbolism of a union between church and state is most likely to influence children of tender years, whose experience is limited and whose beliefs consequently are the function of environment as much as of free and voluntary choice.

105 S.Ct. at 3226.

While the Blaine House Scholars and Financial Assistance Program significantly differs from the programs described above and invalidated by the Supreme Court, a provision providing for the cancellation of state loans for teaching in religious schools would raise many of the same concerns under the Establishment Clause. For example, although the statute could be redrafted so that the loans could only be cancelled by teaching secular subjects, the Supreme Court has emphatically rejected the notion that secular and religious instruction can be neatly separated in the environment which characterizes most parochial or religious schools. Moreover, the fact that the State is willing to cancel repayment of loans made with public funds because the recipient teaches in a parochial school may very well be the type of symbolic message which the Supreme Court described as "an impermissible effect under the Establishment Clause." Grand Rapids School District v. Ball, 105 S.Ct. at 3227.

Finally, it might be suggested that in those instances where loan cancellation is being accomplished by teachers in parochial schools, the State could adopt a procedure to supervise and monitor the teacher to assure that only secular subjects were taught and to minimize any perception that an impermissible "symbolic union" between church and state was being created. The Supreme Court, however, has held that such a program of supervision would itself violate the Establishment Clause by resulting in the "excessive entanglement of church and state, an Establishment Clause concern distinct from that addressed by the effects doctrine." Aguilar v. Fenton, --U.S. --, 105 S.Ct. 3232, 3237 (1985). In Aguilar, the Court invalidated New York City's program of using federal funds under Title I of the Elementary and Secondary Assistance Act of 1965 (29 U.S.C. § 2701 et seq.) to provide instructional services to parochial school students on the premises of parochial schools. The City attempted to save the constitutionality of its program by adopting a system designed to monitor the religious content of the publicly-funded classes in the religious schools. The Court held that in order for the City to be certain that public funds were not being used for religious purposes, a "permanent and pervasive State presence in the sectarian schools receiving aid" would be required. Is. at 3238. The Court went on to conclude:

This pervasive monitoring by public authorities in the sectarian schools infringes precisely those Establishment Clause values at the root of the prohibition of excessive entanglement. Agents of the State must visit and inspect the religious school regularly, alert for the subtle or overt presence of religious matter in

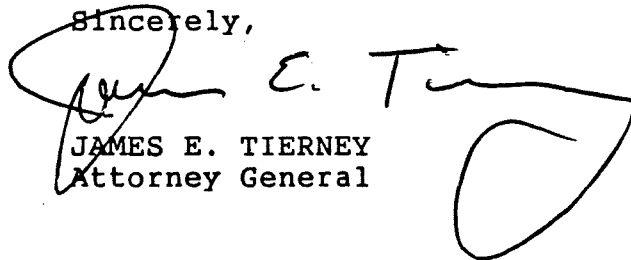
Title I classes. . . . In addition, the religious school must obey these same agents when they make determinations as to what is and what is not a 'religious symbol' and thus off limits in a Title I classroom. In short, the religious school, which has as a primary purpose the advancement and preservation of a particular religion must endure the ongoing presence of state personnel whose primary purpose is to monitor teachers and students in an attempt to guard against the infiltration of religious thought.

Id. at 3238-3239.

In view of the foregoing, it is the Opinion of this Department that the enactment of legislation similar to that proposed in L.D. 1143 would violate the Establishment Clause of the First Amendment to the United States Constitution. This is not to say, of course, that there is any constitutional difficulty in extending loans to teachers in private or religious schools in the first instance. If such teachers were to receive such loans, and to seek cancellation of them by return service in public schools or private schools approved for tuition purposes, the Establishment Clause would not be violated because the beneficiary of their improved skills would not be private or religious institutions.

I hope this information is helpful to you, and please do not hesitate to contact this Office if we can be of further assistance.

Sincerely,



JAMES E. TIERNEY
Attorney General

JET/ec

cc: Commissioner Robert E. Boose

Rep. Patrick E. Paradis
Rep. Alfred L. Brodeur
Rep. James R. Handy
Sponsors of L.D. 1143

Sen. Larry M. Brown
Rep. Ada K. Brown
Chairpersons, Joint Standing
Committee on Education

05- DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

071 BUREAU OF SCHOOL MANAGEMENT

Chapter 136 RULES FOR THE CONDUCT OF THE BLAINE HOUSE SCHOLARS PROGRAM

SUMMARY: CMR 136 details the rules to be utilized in the conduct of the Blaine House Scholars Program

1. Definitions

A. Academic Achievement. Academic achievement is defined as graduation in the top one-half of the class.

B. Duly Enrolled. Duly enrolled is defined as the time at which an eligible individual has attended the first class meeting.

C. Eligible Individuals. Eligible individuals means students and teachers who meet eligibility requirements as determined in sections 12505 and 12507 of 20-A, M.R.S.A., chapter 428.

D. Institution of Higher Education. An institution of higher education is defined as a postsecondary educational institution offering two year, four year, or graduate level programs which lead to the attainment of Associate, Baccalaureate, Master or Doctorate Degrees and vocational-technical institutes offering at least a two year program of study beyond grade 12. The institution of higher education shall be located within this state, another state or a foreign country, the District of Columbia or United States Trust Territories. Federally subsidized military academies will not be eligible.

E. Teacher. A teacher is defined as a person certified by the Department of Educational and Cultural Services who is an employee of a public school or private school approved for tuition purposes or a state operated school including elementary and secondary teacher, specialized subject teacher, vocational-industrial teacher as defined in the certification rules of the State Board of Education and also includes by position title the following, unless subsequently modified by future legislation:

1. Classroom teacher
2. Itinerant teacher
3. Guidance counselor
4. Librarian-media specialist
5. Special education teacher
6. Special teacher of reading
7. Speech clinician teacher

F. Preservice. Preservice is defined as preparation to become a teacher either through completion of a four year teacher training program or through a liberal arts program and teaching pedagogy leading to certification in the subject area or areas to be taught.

G. Return Service. Return service is defined as teacher service in public elementary and secondary schools in Maine or in a Maine private school approved for tuition purposes or in a state operated school for a full school year.

H. Underserved Subject Areas. Underserved subject areas are defined as those subjects or programs required or authorized to be taught in the public schools for which there is an insufficient supply of teachers as may be determined by the Commissioner including, but not limited to, special education, computer studies, science and math.

2. General Rules

A. All applications for loans shall be made on forms provided by the Commissioner.

B. Deadlines for filing applications shall be February 15.

C. Recipients of loans under this program shall be notified by March 15.

D. Loans of up to \$1,500 per academic year or \$6,000 total may be made to eligible individuals. Loans shall be for one academic year.

E. Blaine House Scholars shall be so recognized by the Governor after consultation with the Commissioner who shall have caused a review and evaluation to be made of all submitted applications which are received annually from eligible individuals who show evidence of academic achievement.

F. Loans shall be made to eligible recipients without interest.

G. Students who receive loans in one category of eligibility (scholars entering preservice-50% of funds, scholars not entering preservice-25% of funds) who subsequently change their program to one other than that for which the loan was originally granted shall, if eligible, receive a renewal loan from funds provided for the category to which they have moved as a result of the program change.

3. Student Eligibility (Graduating High School Seniors)

A. Initial Loan Eligibility

- (1) The student must be a graduate of a Maine high school.
- (2) The student must be in the upper $\frac{1}{4}$ of the graduating class.
- (3) The student must be a resident of the state.
- (4) The student must be intending to pursue a postsecondary education at an institution of higher education on a full-time basis as determined by standards of the institution.
- (5) The student must sign an agreement which will detail conditions to be met for receipt of a loan.
- (6) The student must be recognized as a Blaine House Scholar.
- (7) Preference shall be given to students enrolled in a program which has been determined to be an underserved subject area.

B. Renewal Loan Eligibility

- (1) The student must have received an initial loan.
- (2) The student must apply annually for a loan but renewal shall be automatic provided that the student maintains a grade point average of 2.5 based on a 4.0 grade point system.
- (3) The student must be pursuing a postsecondary education at an institution of higher education on a full-time basis as determined by standards of the institution.
- (4) A student granted an approved leave of absence by the postsecondary institution may be eligible to renew the loan at the termination of the leave of absence provided that all other requirements of this section are met.
- (5) The student must sign an agreement which will detail conditions to be met for receipt of a loan.

4. Student Eligibility (Maine High School Graduates)

A. Initial Loan Eligibility

- (1) The student must be currently enrolled in an institution of higher education.
- (2) The student must be a resident of the state.
- (3) The student must be a graduate of a Maine high school.
- (4) The student must have graduated in the upper $\frac{1}{4}$ of the class at the time of graduation from high school.
- (5) The student must have a 2.5 grade point average on a 4.0 grade point system.
- (6) The student must be enrolled on a full-time basis as determined by standards of the institution.
- (7) The student must sign an agreement which will detail conditions to be met for receipt of a loan.
- (8) The student must be recognized as a Blaine House Scholar.
- (9) Preference shall be given to students enrolled in a program which has been determined to be an underserved subject area.

B. Renewal Loan Eligibility

- (1) The student must have received an initial loan.
- (2) The student must apply annually for a loan but renewal shall be automatic provided that the student maintains a grade point average of 2.5 based on a 4.0 grade point system.

- (3) The student must be pursuing a postsecondary education at an institution of higher education on a full-time basis as determined by standards of the institution.
- (4) A student granted an approved leave of absence by the postsecondary institution may be eligible to renew the loan at the termination of the leave of absence provided that all other requirements of this section are met.
- (5) The student must sign an agreement which will detail conditions to be met for receipt of a loan.

5. Teacher Loan Eligibility

A. Initial Loan Eligibility

- (1) The teacher must be employed in a Maine school.
- (2) The teacher must be employed on at least a half-time basis as determined by the local school unit.
- (3) The teacher must be seeking enrollment in a course or program which is related to improvement and/or expansion of teaching competence.
- (4) The teacher must sign an agreement which will detail conditions to be met for receipt of a loan.
- (5) Preference shall be given to those teachers presently teaching or intending to teach either in an underserved subject area or in a geographically isolated area.

B. Renewal Loan Eligibility

- (1) The teacher must have received an initial loan.
- (2) The teacher must apply annually for loan renewal but such renewal shall be automatic provided that the teacher maintains a grade point average of 2.5 based on a 4.0 grade point system.
- (3) The teacher must sign an agreement which will detail conditions to be met for receipt of a loan.

6. Payment Provisions

A. Checks shall be made co-payable to the student and the school and mailed directly to the institution of higher education for credit to the student's or teacher's account and be disbursed within 60 days following evidence that the student or teacher has become duly enrolled at the postsecondary institution.

B. Loans for students shall be disbursed in the amount requested but on a semester basis, one-half for the first semester and one-half for the second semester.

C. Loans for teachers shall be disbursed in the amount requested although this shall not exceed \$1,500 per academic year.

D. If a recipient of a loan withdraws from an institution and if the student or teacher is entitled to a refund of tuition, fees or other charges, the institution shall pay directly to the state from that refund a sum which represents the portion of the loan paid to the student or teacher for the portion of the academic year that the student or teacher did not complete.

7. Repayment and Return Service Provisions

A. Student Recipient

- (1) Each recipient of a loan may cancel the total amount of the loan repayment by completing 4 years of return service in the public or private schools approved for tuition purposes in the state or in a state operated school.
- (2) Each recipient of a loan may cancel the total amount of the loan repayment by completing 2 years of return service in the public schools or private schools approved for tuition purposes in the state or in a state operated school if such service is performed in underserved subject areas or in geographically isolated areas as determined by the Commissioner.
- (3) Each recipient may cancel the total amount of loan on a proportional basis reducing the debt by 25% for each complete year of return service performed in the public schools or private schools approved for tuition purposes in the state or in a state operated school or 50% for each year, if such return service is in an underserved subject area or a geographically isolated area as determined by the Commissioner.
- (4) Return service shall be performed within 5 years of graduation from the institution of higher education.
- (5) Failure to fulfill the return option will necessitate repayment to the state as follows:
 - a. The debt shall include the total amount of the loan less the amount, if any, which has been cancelled by return service.
 - b. The total debt shall be repaid to the state within 5 years of graduation from the institution of higher education according to a schedule established by the Commissioner who shall also set due dates for repayment.
- (6) Once a recipient has begun fulfilling the return service option by teaching in an underserved subject area or teaching in a geographically isolated area as determined by the Commissioner, under 20-A Chapter 602 sec. 15612 sub-sec. 2, A he/she shall be allowed to complete this option even though the subject area or geographically isolated area is removed from the list of this designated.

- (7) Recipients who fail to successfully complete the course or courses for which the funds were given will not be allowed to exercise the return service option.

B. Teacher Recipient

- (1) Each recipient of a loan designed for teachers pursuing an advanced degree or continued study may cancel the total amount of the loan by completing 2 years of return service in the public schools or private schools approved for tuition purposes in the state or in a state operated school.
- (2) Each recipient of a loan designated for teachers pursuing an advanced degree or continued study may cancel the total amount of the loan by completing 1 year of return service in the public schools or private schools approved for tuition purposes in the state or in a state operated school, if such service is performed in underserved subject areas or in geographically isolated areas as determined by the Commissioner.
- (3) Each recipient of a loan designed for teachers may cancel the total amount of the loan on a proportional basis reducing the debt by 50% for each complete year of return service in the public schools or private schools approved for tuition purposes in the state or in a state operated school or by 100% for 1 year if such return service is in an underserved subject area or geographically isolated area.
- (4) Return service shall be performed within 3 years of graduation from the institution of higher education or completion of the course or courses for which the funds were given.
- (5) Failure to fulfill the return service option will necessitate repayment to the state as follows:
 - a. The debt shall include the total amount of the loan less the amount, if any, which has been cancelled by return service.
 - b. The total debt shall be repaid to the state within 3 years of graduation from the institution of higher education or completion of courses for which the funds were given according to a schedule established by the Commissioner who shall also set due dates for repayments.
- (6) Once a recipient has begun fulfilling the return service option by teaching in an underserved subject area or teaching in a geographically isolated area as determined by the Commissioner, under 20-A Chapter 602, section 15602, sub-sec. 2, A he/she shall be allowed to complete this option even though the subject area or geographically isolated area is removed from the list of those designated.
- (7) Recipients who fail to successfully complete the course or courses for which the funds were given will not be allowed to exercise the return service option.

8. Selection Criteria - Student (Graduating High School Seniors)

Recipients of loans under this program will be determined utilizing the following selection criteria:

- A. Academic Standing
 - (1) Analysis of high school transcript.
 - (2) Analysis of standardized test scores.
- B. Academic Awards/Achievements/Honors
- C. Preference shall be given to students enrolled in a program which has been determined to be an underserved subject area, however efforts will be made to reflect an equitable distribution of awards to other subject areas.

9. Selection Criteria - Student (Maine High School Graduates)

Recipients of loans under this program will be determined utilizing the following selection criteria:

- A. Academic Standing
 - Grade point average
- B. Academic Awards/Achievements/Honors
- C. Preference shall be given to students enrolled in a program which has been determined to be an underserved subject area, however efforts will be made to reflect an equitable distribution of awards to other subject areas.

10. Selection Criteria - Teacher

Recipients of loans under this program will be determined utilizing the following selection criteria:

- A. Preference shall be given to teachers of subjects which have been determined to be underserved.
- B. Preference shall be given to teachers currently teaching in geographically isolated areas as determined by the Commissioner.
- C. Geographical distribution will be a factor considered in the selection of loan recipients.

11. Selection Process

- A. Graduating High School Seniors
 - (1) Selection Committee will review materials submitted in the application process in light of identified criteria.
 - (2) Selection Committee to be composed of 15 individuals appointed by the Commissioner.

- (3) Each application and accompanying information to be read by at least two committee members.
- (4) Following reading by the committee, applications will be rank ordered and loans made within the limits of available funds.
- (5) Selection Committee will recommend to the Commissioner the names of applicants who should be considered for designation as Blaine House Scholars.
- (6) The Governor, after consultation with the Commissioner, shall announce the names of those individuals who are recognized as Blaine House Scholars.

B. Maine High School Graduates

- (1) Selection Committee will review materials submitted in the application process in light of identified criteria.
- (2) Selection Committee to be composed of 10 individuals appointed by the Commissioner.
- (3) Each application and accompanying information to be read by at least two Committee members.
- (4) Following reading by the Committee, applications will be rank ordered and loans made within the limits of available funds.
- (5) Selection Committee will recommend to the Commissioner the names of applicants who should be considered for designation as Blaine House Scholars.
- (6) The Governor, after consultation with the Commissioner, shall announce the names of those individuals who are recognized as Blaine House Scholars.

C. Teacher

- (1) Selection Committee shall review materials submitted in the application process in light of identified criteria.
- (2) Selection Committee to be composed of 5 individuals appointed by the Commissioner with the majority of the members to be teachers.
- (3) Each application and accompanying information to be read by at least two Committee members.
- (4) Selection Committee will recommend to the Commissioner the names of applicants who should be considered for receipt of a loan.
- (5) The Commissioner shall designate those who shall receive a loan.

BASIS STATEMENT: This chapter fulfills the requirements of 20-A M.R.S.A., Chapter 428, to establish rules for the conduct of the Blaine House Scholars Program.

AUTHORITY: 20-A M.R.S.A., Chapter 428

EFFECTIVE DATE: January 24, 1985

AMENDED: November 20, 1985

REPRESENTATIVE COMMENTS: None