

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 697

H. P. 484

House of Representatives, February 8, 1967

Referred to Committee on Indian Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Soulas of Bangor by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to the Education of Indian Children Living on Reservations.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964, as amended for the school year 1967-68, states that "it is the responsibility of a school system to adopt and implement a desegregation plan which will eliminate the dual school system and all other forms of discrimination as expeditiously as possible;" and

Whereas, the State Department of Education has been informed by the U. S. Office of Education of the Department of Health, Education, and Welfare that "closing the Indian Reservation schools as facilities which were originally established and have in part been continued in operation to serve children of only one race and assigning their students to the schools normally attended by the other children who live on Reservations would probably be the best means of eliminating the discrimination. If such reassignments cannot be completed for the 1966-67 school year, it is expected that they could be completed before the start of the following school year. In any event, as much desegregation as possible should be accomplished in 1966-67."; and

Whereas, continuance of all federal dollar aid to Maine can be jeopardized by violation of the Civil Rights Act of 1964; and

Whereas, the desire of the State Department of Education is to provide the best possible educational opportunities for **all** children in the State of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 20, § 1452, amended. Section 1452 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 450 of the public laws of 1965, is further amended to read as follows:

§ 1452. Children living on Indian reservations

All children who reside with parent or guardian on an Indian reservation shall be entitled to school privileges as described in sections 1453 and 1454 in neighboring local educational agencies on a tuition basis only, notwithstanding that these children do not reside in unorganized territory.

Funds shall be provided to assist those local educational agencies accepting Indian children as tuition pupils in provision of classrooms and auxiliary spaces necessary for school privileges. Such funds as appropriated for this purpose shall be allocated for construction of facilities as approved by the state board and the local educational agency. Acceptance of construction financial assistance by a local educational agency will constitute a guarantee of continued school privilege as stated in section 1453.

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the Department of Education the sum of \$228,500 for the fiscal year ending June 30, 1968, to carry out the purposes of this Act. At the end of the first fiscal year of the biennium, all appropriation balances shall be carried forward to the next fiscal year.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACTS

By enactment of the 102nd Legislature, the responsibility for the education of Indian children living on Indian reservations was transferred to the Commissioner of Education on July 1, 1966, under R. S., Title 20, § 1452.

Separate elementary schools are now operating on each of the reservations: at Indian Island, Old Town, there are 48 pupils attending grades K-5; at Peter Dana Point, there are 44 pupils attending grades 1-7, and at Pleasant Point, there are 84 pupils attending grades 1-8. All other pupils attend schools in other school districts on a tuition basis.

Only children who reside with parents or guardians who live on the reservation attend the reservation school.

On August 30, 1966, David S. Seeley, Assistant Commissioner, Equal Educational Opportunities Program, U. S. Office of Education, informed the Maine Commissioner of Education that the Indian schools were serving a racial minority and that there is clearly racial discrimination. He further stated that present freedom of choice will no longer satisfy the Guidelines of the Civil Rights Act of 1964 and the schools are to be desegregated by September 1967.

In order for neighboring school agencies to provide educational privileges for the Indian children, as proposed by this Act, construction of additional classrooms, and auxiliary spaces (toilets, storage, lunch space, etc.) would be necessary. It has been estimated that the following building space and funds would be needed for this purpose:

	No. of Pupils	Classrooms Needed*	Auxiliary Additional Sq. Footage** (10 ft.² Per Pupil)	Cost
Penobscot	48	3	600	\$ 69,000
Peter Dana Point	44	3	500	67,500
Pleasant Point	84	4	800	92,000
			Total	\$228,500

* Estimated at \$20,000 per classroom

** Estimated at \$15.00 per ft.²