

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 859

S. P. 276

In Senate, February 17, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Chick of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Clarifying the Secondary School Tuition Law.

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

Sec. 1. R. S., T. 20, § 1283, repealed. Section 1283 of Title 20 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 20, § 1284, amended. The first sentence of section 1284 of Title 20 of the Revised Statutes is amended to read as follows:

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.~~

Sec. 3. R. S., T. 20, § 1285, amended. The first 2 sentences of section 1285 of Title 20 of the Revised Statutes are repealed.

Sec. 4. R. S., T. 20, § 1285, amended. The 5th sentence of section 1285 of Title 20 of the Revised Statutes is amended to read as follows:

Such transportation shall be over regular lines, at not to exceed regular fares ~~and no subsidy.~~

Sec. 5. R. S., T. 20, § 1285, amended. The 7th sentence of section 1285 of Title 20 of the Revised Statutes is amended to read as follows:

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 for school purposes.~~

Sec. 6. R. S., T. 20, § 1285, amended. The last 2 sentences of section 1285 of Title 20 of the Revised Statutes are repealed.

Sec. 7. R. S., T. 20, § 1286, amended. The first sentence of section 1286 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

The course of study in the free high secondary 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 school committees or school directors having supervision thereof be approved by the Commissioner of Education.

Sec. 8. R. S., T. 20, § 1286, amended. The 2nd sentence of the first paragraph and all of the last paragraph of section 1286 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, are repealed.

Sec. 9. R. S., T. 20, § 1286, amended. Section 1286 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended by adding a new paragraph at the end to read as follows:

Whenever authorized by the appropriate legislative body, the school committee or school directors may accept students from outside the administrative unit, and the sending unit or family shall pay such tuition as may be fixed by such committee or directors not to exceed legal tuition rates.

Sec. 10. R. S., T. 20, § 1287, repealed. Section 1287 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is repealed.

Sec. 11. R. S., T. 20, § 1288, amended. Section 1288 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1288. Maintained by administrative units

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

Sec. 12. R. S., T. 20, § 1289, amended. The last sentence of section 1289 of Title 20 of the Revised Statutes is amended to read as follows:

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 expenditures 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.~~

Sec. 13. R. S., T. 20, § 1290, repealed. Section 1290 of Title 20 of the Revised Statutes is repealed.

Sec. 14. R. S., T. 20, § 1291, amended. The first sentence of section 1291 of Title 20 of the Revised Statutes is amended to read as follows:

Any youth whose parent or legal guardian maintains a home for his family in any administrative unit which does not support ~~and~~, **contract for or** maintain an approved secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof.

Sec. 15. R. S., T. 20, § 1291, amended. The 2nd sentence of section 1291 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is repealed.

Sec. 16. R. S., T. 20, § 1291, amended. The 3rd sentence of section 1291 of Title 20 of the Revised Statutes is amended to read as follows:

Any youth whose parent or legal 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.

Sec. 17. R. S., T. 20, § 1291, amended. The 4th sentence of section 1291 of Title 20 of the Revised Statutes, as enacted by chapter 319 of the public laws of 1965 and as amended, is further amended to read as follows:

Any youth whose parent or legal guardian maintains a home for his family in an administrative unit that maintains, or contracts for school privileges in, an approved secondary school, and who has met the qualifications for admission to the high school in his unit, may elect to attend some other approved secondary school in the State to which he may gain admission for the purpose of studying or of completing at least a 2-year course in mathematics or science when such courses are not offered or contracted for by the administrative unit of his legal residence or a foreign language when the administrative unit where he resides offers less than 2 approved foreign language courses, provided that tuition in such cases shall not be payable by the administrative unit where the pupil resides unless a pupil has applied for such a course to the superintendent of schools of the unit wherein he has school residence on or before June 1st of a given year.

Sec. 18. R. S., T. 20, § 1291, amended. The 6th sentence of section 1291 of Title 20 of the Revised Statutes, as enacted by chapter 319 of the public laws of 1965, is repealed.

Sec. 19. R. S., T. 20, § 1291, amended. The 7th sentence of section 1291 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 440 of the public laws of 1965, is amended to read as follows:

Any youth whose parents ~~or the person having custody~~ or legal guardian maintains a home in any administrative unit, who is entitled to free secondary education, and who is qualified for admission to a regional technical and vocational center according to the standards set by those having charge thereof for all its students, including those resident in the unit maintaining and operating the center, may elect to attend any approved regional technical and vocational center within the State to which he may gain admission, for the purpose of pursuing a technical and vocational course not offered by, or contracted for by, the administrative unit in which he resides with parent or ~~person having custody~~ legal guardian or by a community school district of which the administrative unit where he resides is a member.

Sec. 20. R. S., T. 20, § 1291, amended. The first and 2nd sentences of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 338 of the public laws of 1967, are repealed.

Sec. 21. R. S., T. 20, § 1291, amended. The 3rd sentence of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes, as enacted by section 6 of chapter 589 of the public laws of 1969, is amended to read as follows:

The annual tuition charge for any public or private school is limited to 115% of the allowable tuition charge of the previous year, ~~or the actual per pupil cost of the school~~ including the allowable insured value factor ~~for the current fiscal year, whichever is lower.~~

Sec. 22. R. S., T. 20, § 1291, amended. The 5th sentence of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes, as amended by section 6-A of chapter 589 of the public laws of 1969, is further amended to read as follows:

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 September 1st following the close of the school year~~ paid no later than 30 days after the billing date.

Sec. 23. R. S., T. 20, § 1291, amended. The 6th and 7th sentences of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes are repealed.

Sec. 24. R. S., T. 20, § 1291, amended. The 8th sentence of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes is amended to read as follows:

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 commissioners; ~~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 or its equivalent.~~ Schools accepting tuition students shall notify the superintendent of schools of the sending unit of the acceptance of such student or students by name and grade.

Sec. 25. R. S., T. 20, § 1291, amended. The 9th sentence of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes is amended to read as follows:

~~Such free~~ Free tuition ~~privilege~~ privileges shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship and is regularly attending an approved secondary school.

Sec. 26. R. S., T. 20, § 1291, amended. The 10th and 11th sentences of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes are repealed.

Sec. 27. R. S., T. 20, § 1291, amended. The 3rd paragraph of section 1291 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent or 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 \$25 per week 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~~ transportation.

Sec. 28. R. S., T. 20, § 1291, amended. The last paragraph of section 1291 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is repealed.

Sec. 29. R. S., T. 20, § 1292, amended. The 3rd sentence of the first paragraph of section 1292 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 338 of the public laws of 1967 and chapter 481 of the public laws of 1969, is further amended to read as follows:

~~Said per pupil cost may be increased up to 15%, provided that the per pupil cost so charged shall not exceed the actual per pupil cost for the current fiscal year, and in~~ The legal tuition rate shall be determined by the local gov-

erning board at an amount not to exceed 115% of the previous year's local cost, or 115% of the state average per pupil cost, whichever is less. In addition an administrative unit or academy may add thereto an amount obtained by dividing 5% of the insured value of secondary school buildings and equipment by the average daily membership of all regularly enrolled students for the same year; except that any unit which qualifies for construction aid under section 3457 shall deduct from the amount of the 5% insured value factor for secondary schools the same percentage of the factor as the construction aid percentage which the unit is entitled to receive under Table II of section 3457 before dividing by the average daily membership in computing the allowable per pupil insured value factor which may be used in computing the annual tuition rate.

Sec. 30. R. S., T. 20, § 1292, amended. The 4th sentence of section 1292 of Title 20 of the Revised Statutes, as last repealed and replaced by section 47 of chapter 544 of the public laws of 1967, is amended to read as follows:

Any administrative unit not maintaining a high school or contracting for secondary school privileges may pay tuition for any student who with parent or legal guardian resides in said administrative unit and who attends an approved school of secondary grade in another state or country, but such tuition payment shall not exceed the average cost per pupil in all secondary schools of the State of Maine as determined in this section; or for any student 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 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.

Sec. 31. R. S., T. 20, § 1292, amended. The first and 2nd sentences of the last paragraph of section 1292 of Title 20 of the Revised Statutes, as amended by section 6-B of chapter 589 of the public laws of 1969, are repealed.

Sec. 32. R. S., T. 20, § 1292, amended. The last sentence of section 1292 of Title 20 of the Revised Statutes, as amended by section 6-B of chapter 589 of the public laws of 1969, is further amended to read as follows:

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 September 1st of that year~~ within 30 days of the billing date, 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 subsequent monthly apportionment, ~~together with interest on such account at the rate of 6% annually, computed from said September 1st~~ and the commissioner shall charge any such payment against the apportioned fund of the sending administrative unit. **Superintendents of schools and principals of private schools shall notify the Commissioner of Education whenever a sending unit is delinquent in its tuition payments and the commissioner shall withhold such delinquent tuition from the monthly apportionment as set out in the preceding paragraph.**

Whenever a pupil is in custody of persons other than parents or legal guardians because of broken homes or intolerable home conditions, the unit where the pupil is placed for school purposes may apply to the commissioner for a determination regarding which unit shall pay the cost of educating such a pupil. The determination of the commissioner shall be binding upon each administrative unit.

STATEMENT OF FACT

The intent of this bill is to remove obsolete language from the statutes and to clarify the language relating to the computation of secondary school tuition.