

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1651

H. P. 1348

House of Representatives, April 13, 1977

On motion of Mr. Lynch of Livermore Falls, referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Garsoe of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Permit State Aid to be Distributed to the Unit or School which
the Student Attends.**

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

Whereas, there is need to simplify the allocation of subsidy for school operations; and

Whereas, it would be beneficial to eliminate the difference between subsidy allocation and tuition charges for all units sending students to public schools; and

Whereas, pupil costs should reflect actual expenditures and not be subject to sporadic payment of tuition bills; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of the State 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Sec. 1. 20 MRSA § 862, last sentence, is repealed as follows:

~~The commissioner is authorized to reimburse a town for tuition payments for the education of children who reside with a parent on state owned property located in towns of less than 100 inhabitants when such towns do not maintain a school within the town~~

Sec. 2. 20 MRSA § 912, 1st ¶, 1st sentence, as last amended by PL 1967, c. 425, § 10, is further amended to read:

Children living remote from any public school in an administrative unit in which they reside may be allowed to attend the public schools in an adjoining administrative unit, under such regulations ~~and on such terms~~ as the school committee or school directors of said administrative units agree upon and prescribe, ~~and the school committee or school directors of the administrative unit in which such children reside shall pay the sum agreed upon out of the appropriations of money raised in said administrative unit for school purposes~~

Sec. 3. 20 MRSA § 912, 1st ¶, 3rd sentence, as amended by PL 1967, c. 425, § 19, is further amended to read:

It shall be the duty of any school committee, community school committee or board of school directors to accept ~~tuition~~ pupils from any nearby administrative unit that has a total April 1st resident pupil count of 10 or less pupils when so requested by the board.

Sec. 4. 20 MRSA § 912, last ¶, as enacted by PL 1971, c. 530, § 14, is repealed.

Sec. 5. 20 MRSA § 1286, as last amended by PL 1971, c. 223, §§ 7, 8 and 9, is repealed and the following enacted in its place:

§ 1286. Course of study; tuition; outside pupils

The course of study in secondary schools shall be approved by the Commissioner of Educational and Cultural Services.

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

Sec. 6. 20 MRSA § 1289, 1st ¶, 1st sentence, as last amended by PL 1967, c. 425, § 19, is further amended to read:

Any administrative unit which does not maintain an approved secondary school may authorize its school committee to contract for one to 5 years with ~~and pay~~ the 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.

Sec. 7. 20 MRSA § 1289, last sentence, as amended by PL 1971, c. 622, § 63, is repealed 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, 1967, 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~~

Sec. 8. 20 MRSA § 1291, 3rd sentence, as amended by PL 1971, c. 223, § 17, is further amended to read:

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. 9. 20 MRSA § 1291, 4th sentence, as enacted by PL 1965, c. 319, and as amended, is repealed as follows:

~~Any pupil for whom tuition payment has been denied by the school committee may appeal to the Commissioner of Educational and Cultural Services for a decision and any payment found to be rightly due shall be adjusted as provided for such cases in section 1292~~

Sec. 10. 20 MRSA § 1292, 2nd ¶, as amended by PL 1971, c. 223, § 32, is repealed.

Sec. 11. 20 MRSA § 3561, 3rd ¶, as amended, is further amended to read:

When a school committee suspends or the voters of an administrative unit authorize the closing of all elementary schools within an administrative unit under this section, the school committee shall make provision for the education of the children at a nearby administrative unit ~~and the sending administrative unit shall pay the tuition charge to the receiving administrative unit.~~

Sec. 12. 20 MRSA § 3743, sub-§ 6, as last amended by PL 1975, c. 746, § 24-A, is further amended to read:

6. Average elementary per pupil operating costs. ~~Until June 30, 1975, "average elementary per pupil operating costs" shall be computed by dividing elementary operating costs for the base year, increased by 6%, by the average number of resident elementary pupils, excluding those full-time students in special education programs, on October 1st and April 1st in the base year~~

After July 1, ~~1975~~ 1976, "average elementary per pupil operating costs" shall be computed by dividing elementary operating costs for the base year by the average number of ~~resident~~ elementary pupils enrolled on October 1st and April 1st in the base year, excluding special education students for whom tuition is paid in programs approved by the commissioner.

Sec. 13. 20 **MRSA § 3743, sub-§ 7, 1st sentence**, as enacted by PL 1975, c. 660, § 2, is repealed.

Sec. 14. 20 **MRSA § 3743, sub-§ 7, 2nd ¶, 1st sentence**, as amended by PL 1975, c. 746, § 24-A, is further amended to read:

After July 1, ~~1975~~ 1976, "average secondary per pupil operating costs" shall be computed by dividing secondary operating costs for the base year by the average ~~resident~~ secondary pupils **enrolled** on October 1st and April 1st in the base year, excluding special education students for whom tuition is paid in programs approved by the commissioner.

Sec. 15. 20 **MRSA § 3745, 2nd ¶, next to the last sentence**, as repealed and replaced by PL 1975, c. 746, § 24-E, is amended to read:

The commissioner shall have the authority to correct errors revealed by audit in administrative units or **private schools** when compiling actual education costs.

Sec. 16. 20 **MRSA § 3745, 3rd ¶**, as enacted by PL 1975, c. 660, § 2, is amended to read:

If an administrative unit or **private school** fails to submit the necessary information required in this section and in section 3744 within the time schedule, the commissioner shall estimate that unit's or **private school's** education costs.

Sec. 17. 20 **MRSA § 3748, sub-§ 1, ¶ A, 1st sentence**, as repealed and replaced by PL 1975, c. 746, § 24-G, is amended to read:

Multiply the average number of ~~resident~~ elementary pupils **enrolled who are educated at public expense** in the unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education tuition pupils, by the basic elementary per pupil operating rate, as established in section 3747.

Sec. 17-A. 20 **MRSA § 3748, ¶ B, 1st sentence**, as last repealed and replaced by PL 1975, c. 746, § 24-G, is amended to read:

Multiply the average number of ~~resident~~ secondary pupils **enrolled who are educated at public expense** in the unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education tuition pupils, by the basic secondary per pupil operating rate as established in section 3747.

Sec. 18. 20 **MRSA § 3748, sub-§ 4, 2nd ¶**, as last amended by PL 1975, c. 746, § 24-R, is further amended by adding after the first sentence the following new sentence:

Units enrolling pupils in private schools at public expense may count those pupils for the purpose of raising optional funds to supplement the subsidy allocation to the private school or for the purpose of paying a share of the costs of increased enrollments in such schools.

Sec. 19. 20 **MRSA § 3748-A** is enacted to read:

§ 3748-A. Computation and allocation of education subsidies to private schools

1. Computation and allocation. The allocation of funds to each private school shall be computed by the commissioner.

A. Multiply the average number of elementary pupils enrolled and educated at public expense in the school on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education pupils, by the basic elementary per pupil operating rate as established in section 3747.

B. Multiply the average number of secondary pupils enrolled and educated at public expense in the school on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education pupils, by the basic secondary per pupil operating rate as established in section 3747.

C. Expenditures for special education programs operated or contracted for by the school for pupils who are enrolled and educated at public expense shall be reimbursed. The reimbursement shall be limited to 90% of the estimated costs, as adjusted by the commissioner, or 90% of the actual expenditure, whichever is less.

2. Basis for allocation to private schools.

A. Total the amount computed and estimated in subsection 1, paragraphs A, B and C. The sum thus obtained shall be the basis for allocation to the private school.

B. An adjustment shall be made to reflect the actual expenditure in subsection 1, paragraph C, with the adjustment to be made in the December and June subsidy payments.

C. The commissioner shall authorize payments of aid to the various private schools and such payments shall be paid in 12 equal payments subject to the subsidy adjustments.

Sec. 20. 20 MRSA § 3748-B is enacted to read:

§ 3748-B. Supplementation

Sending units shall be required, at either regular or special budget meetings, to appropriate 2 mills or \$90 per resident pupil, whichever is lower, to supplement the per pupil allocation of the receiving unit of the receiving unit's per pupil cost in the year prior to allocation is greater than the per pupil rate set by the Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act shall become effective July 1, 1977.

STATEMENT OF FACT

The purpose of this bill is to:

1. Eliminate unnecessary transfer of moneys from one unit to another;

2. Simplify the method of computing per pupil costs ;
3. Make such costs reflect the actual expenditures of a school ;
4. Provide a basic allocation for private schools which educate elementary and secondary pupils who reside in units which cannot operate schools economically ;
5. Eliminate the difference between the subsidy allocation and tuition charges for all students attending public schools ; and
6. Permit administrative units which operate schools to make program and fiscal decisions based upon the total number of pupils educated and the subsidy allocation.

The effect of passage of this bill would be to increase the allocation to units accepting tuition students, to make subsidy payments directly to private schools which serve public school pupils and to increase the number of units making uniform tax payments to the State.