

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
109TH LEGISLATURE  
FIRST REGULAR SESSION

L.D. 1425

(Filing No. H-386)

COMMITTEE AMENDMENT "A" to H.P. 1160, L.D. 1425, Bill,  
"AN ACT to Define Residency for School Purposes."

Amend the Bill by striking out everything after the  
enacting clause and inserting in its place the following:

'Sec. 1. 20 MRSA §859, sub-§3, as enacted by PL 1977,  
c. 690, §6, is repealed and the following enacted in its place:

3. Residence; state wards; nonresidents.

A. A child shall be considered a resident of the school  
administrative unit where his parent or legal guardian  
resides. A state ward shall be considered a resident of  
the unit in which the State places him.

(1) For purposes of this subsection, a child's  
parent shall be the parent who has legal custody of  
the child.

B. A child, other than a state ward, residing with a person  
who is not the child's parent or legal guardian, shall be  
entitled to all of the school privileges of the unit where  
that person is a resident and shall be counted as a resident  
pupil of the unit if the superintendent of schools in the  
unit determines that it is in the best interest of the child  
because of the following:

(1) It is undesirable and impractical for the child  
to reside with his parents or legal guardian or that  
other extenuating circumstances exist which justify the  
placement of the child in the unit; and

(2) The child is residing in the unit for other than just school purposes.

The parents or legal guardian shall have the right to request the commissioner to review the superintendent's determination. The commissioner shall review the superintendent's determination and issue a decision. His decision shall be final and binding upon all parties.

C. A child who has been placed by a state agency, licensed child-placing agency, parent or legal guardian in a non-family foster home located in a unit which is not his legal residence, shall be eligible to attend school in the unit where he is placed if:

(1) The state-placing agency, licensed child-placing agency, parent or legal guardian provides the receiving unit with satisfactory evidence that funds sufficient to cover the cost of educating the child will be paid to the receiving unit in the year of allocation; and

(2) The unit has approved the acceptance of tuition students in accordance with this Title.

D. Federal installations are considered a part of the school administrative unit or units in which they are located, and the children residing on the installations with their parents or legal guardian, or admitted under paragraphs A to C, shall be counted as resident pupils of the administrative unit or units.

E. This subsection shall not supersede the rights of students to attend school in an administrative unit pursuant to sections 1292; 966, subsection 2, paragraph A; 912; and chapter 404 and the rules adopted by the department pursuant thereto.

Sec. 2. 20 MRSA §966, sub-§2, ¶A, sub-¶(1) is enacted to read:

(1) If the parents or guardians of pupils are aggrieved by the decisions of the superintendents of schools or the school agents, then they may request the commissioner to review the decisions. The commissioner shall review the decisions and determine whether the pupil or pupils shall be transferred. His determination shall be final and binding upon each administrative unit.'

Statement of Fact

This amendment defines residency for purposes of determining which school administrative unit a school-age child may attend.

Reported by the Committee on Education  
Reproduced and distributed under the direction of the  
Clerk of the House.  
5/11/79 (Filing No. H-386)