

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1425

H. P. 1160

House of Representatives, March 23, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Define Residency for School Purposes.

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

Sec. 1. 20 MRSA § 859, sub-§ 3, as enacted by PL 1977, c. 690, § 6 is repealed and the following enacted in its place: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

A. A child shall be considered a resident of the school administrative unit where his parents or legal guardian resides.

B. A child residing with a person, who is not the child's parent or legal guardian, shall be entitled to all the school privileges of the school administrative unit where the person is a resident and would be counted as a resident pupil of the unit if the governing body of the school administrative unit determines that it is in the best interest of the child because of one or more of the following:

- (1) It is undesirable or impractical for the child to reside with his parents or legal guardian;**
- (2) The child is residing in the unit for other than just school purposes; or**
- (3) Other extenuating circumstances exist that justify the placement of the child in the unit.**

C. A state ward shall be considered a resident of the school administrative unit in which the State places him regardless of whether the State has placed him in a foster home, in the care of a 3rd party or in a state-operated facility or institution.

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 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 § 859, sub-§ 3-A is enacted to read:

3-A. Placement by state agency. A child who has been placed by the State in a unit which is not his legal residence, as determined by subsection 3, shall be eligible to attend school in the unit where he is placed. The cost of his education shall be borne by the state placing agency or agencies.

Sec. 3. 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 appeal the decisions to the commissioner. The commissioner shall determine whether the pupil or pupils shall be transferred. His determination shall be binding upon each administrative unit.

STATEMENT OF FACT

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