

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 848

H.P. 597

House of Representatives, February 26, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Sabattus.

Cosponsored by Senator GOULD of Waldo, Representative SKOGLUND of St. George and Representative ST. ONGE of Greene.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Establish a School Choice Program.

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

Sec. 1. 20-A MRSA c. 214 is enacted to read:

CHAPTER 214

ENROLLMENT OPTIONS

§5301. Enrollment options program

1. Establishment. An enrollment options program is established to enable any student residing in the State to attend a school in a school administrative unit in which the student does not reside, subject to the limitations in this chapter.

2. Closed units. A school board may determine that nonresident students may not attend any schools within that school board's administrative unit according to this chapter.

3. Student application procedures. In order that a student may attend a school in a nonresident unit, the student's parent or guardian must submit an application to the nonresident unit. Before submitting an application, the student and the student's parent or guardian must meet with a school guidance counselor, or other appropriate staff member employed by the unit the student is currently attending, to discuss the student's academic or other reason for applying to enroll in a nonresident unit. The student's application must identify the reason for enrolling in the nonresident unit. The parent or guardian of a student must submit an application by January 1st for initial enrollment beginning the following school year. The application must be on a form provided by the Department of Education. A particular school may be requested by the parent. Once enrolled in a nonresident unit, the student may remain enrolled and is not required to submit annual or periodic applications. To return to the resident unit or to transfer to a different nonresident unit, the parent or guardian of the student must provide notice to the resident unit or apply to a different nonresident unit by January 1st for enrollment beginning the following school year.

4. Nonresident unit procedures. A unit that does not exclude nonresident students under subsection 2 shall notify the parent or guardian in writing by February 1st whether the application has been accepted or rejected. If an application is rejected, the unit shall state in the notification the reason for rejection. The parent or guardian shall notify the nonresident unit by February 15th if the student intends to enroll in the nonresident unit. Notice of intent to enroll in the nonresident unit obligates the student to attend the nonresident unit during the following school year unless the school boards of the resident and the nonresident units agree in writing to allow the student to transfer back to the resident unit or the

2 student's parents or guardians change residence to another unit.
4 If a parent or guardian does not notify the nonresident unit, the
6 student may not enroll in that nonresident unit during the
8 following school year unless the school boards of the resident
10 and nonresident unit agree otherwise. The nonresident unit shall
12 notify the resident unit by March 1st of the student's intent to
14 enroll in the nonresident unit. The same procedures apply to a
16 student who applies to transfer from one participating
18 nonresident unit to another participating nonresident unit.

20 5. Basis for decisions. Each school board shall adopt
22 specific standards for acceptance and rejection of applications.
24 Standards include the capacity of a program, class, grade level
26 or school building. Standards do not include previous academic
28 achievement, athletic or other extracurricular ability, any
30 physical or mental handicap, proficiency in the English language
32 or previous disciplinary proceedings.

34 6. Waiver of deadlines. Notwithstanding subsection 3, upon
36 agreement of the resident and nonresident school units, a student
38 may submit an application to a nonresident unit after January 1st
40 for enrollment beginning the following school year. The student,
42 the student's parent or guardian, the unit of residence and the
44 unit of attendance must observe in a prompt and efficient manner
46 the application and notice procedures in subsections 3 and 4,
48 except that the application and notice deadlines do not apply.

50 7. Previous enrollment. Any student enrolled on January 1,
52 1991 in a school administrative unit in which the student was not
54 a resident may continue enrollment in that unit.

56 8. Information. A unit that does not exclude nonresident
58 students under subsection 2 shall make information about the
60 unit, its schools, programs, policies and procedures available to
62 all interested persons.

64 §5302. Graduation credits

66 A nonresident unit shall accept graduation credits awarded
68 by another unit. The nonresident unit shall award a diploma to a
70 nonresident student if the student meets that unit's graduation
72 requirements.

74 §5303. Transportation

76 If requested by the parent of a student, the nonresident
78 unit shall provide transportation within the unit.

80 The resident unit is not required to provide or pay for
82 transportation between the student's residence and the border of
84 the nonresident unit. A parent may be reimbursed by the
86 nonresident unit for the costs of transportation from the

2 student's residence to the border of the nonresident unit if the
3 student is from a family whose income is at or below the poverty
4 level determined by the Federal Government.

5 Costs of the nonresident unit incurred in providing
6 transportation under this section are counted as transportation
7 operating costs under the School Finance Act of 1985, chapter 606.

8
9 **§5304. Education aid**

10 The effect of sending a student to attend school in another
11 unit or receiving a student from another unit on state education
12 aid is governed by the School Finance Act of 1985, chapter 606.

13
14 **§5305. Commissioner's responsibilities**

15 The commissioner is responsible for coordinating the
16 implementation of this chapter. Specific duties of the
17 commissioner include but are not limited to:

18
19 **1. Information and technical assistance.** Informing school
20 administrative units and school boards of their responsibilities
21 under this chapter and providing technical assistance to assist
22 in compliance with those responsibilities;

23
24 **2. Forms.** Developing and distributing applications and
25 other forms necessary for compliance with this chapter;

26
27 **3. Funding formula.** Coordinating the distribution of state
28 funds through the School Finance Act of 1985, chapter 606, for
29 students exercising their enrollment option under this chapter;
30 and

31
32 **4. Rules.** Adopting rules in accordance with the Maine
33 Administrative Procedure Act necessary to implement this
34 chapter. These rules must include but are not limited to rules
35 that prescribe the procedures to be followed by school
36 administrative units and school boards in providing enrollment
37 options and procedures for families and students exercising the
38 enrollment options provided by this chapter.

39
40
41 **Sec. 2. 20-A MRSA §15608, sub-§1, as enacted by PL 1983, c.**
42 **859, Pt. G, §§2 and 4, is amended to read:**

43
44 **1. Operating cost allocation.** The maximum operating cost
45 allocation shall-be is the total of:

46
47 **A.** The product determined by multiplying the sum of the
48 average number of resident pupils in kindergarten and grades
49 one to 8 in the unit on April 1st and October 1st of the
50 calendar year immediately prior to the year of allocation,
51 excluding plus the number of nonresident elementary pupils
52

2 accepted for enrollment by the unit under chapter 214, less
3 the number of the unit's elementary pupils accepted for
4 enrollment by other units under chapter 214, less special
5 education tuition pupils, by the elementary foundation per
6 pupil operating rate as established in section 15607; and

7
8 B. The product determined by multiplying the sum of the
9 average number of resident pupils in grades 9 to 12 in the
10 unit on April 1st and October 1st of the calendar year
11 immediately prior to the year of allocation, excluding plus
12 the number of nonresident secondary pupils accepted for
13 enrollment by the unit under chapter 214, less the number of
14 the unit's secondary pupils accepted for enrollment by other
15 units under chapter 214, less special education tuition
16 pupils, by the secondary foundation per pupil operating rate
17 as established in section 15607.

18
19
20 **STATEMENT OF FACT**

21
22 This bill broadens public education options for parents and
23 students and provides that residence is no longer a prerequisite
24 for enrollment in a school administrative unit. A student may
25 attend the public school of the student's choosing subject to
26 some minor limitations. Amendments have been made to the School
27 Finance Act of 1985 to reflect the potential increase in
28 enrollment. These amendments allow funding "to follow" the
29 student and provide an incentive for each school to maintain or
30 increase enrollment levels. The Commissioner of Education is
responsible for the coordination and implementation of this bill.