

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 726, L.D. 1030, Bill, "An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 20-A MRSA §5205, sub-§2, as amended by PL 1985, c. 797, §33, is further amended to read:

2. Other students not living at home. A student other than a state ward, a state agency client or a homeless child, residing with another person who is not the student's parent, shall-be is considered a resident of the school administrative unit where the student resides if the superintendent of the unit determines that it is in the best interest of the student because of the following:

A. It is undesirable and impractical for that student to reside with the student's parent, or that other extenuating circumstances exist which justify residence in the unit; and

B. That person is residing in the school administrative unit for other than just education purposes.

The commissioner shall review the superintendent's determination on the request of the student's parent. The commissioner's decision shall-be is final and binding. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

2 Sec. 2. 20-A MRSA §5205, sub-§6, ¶D, as enacted by PL 1981, c.
3 693, §§5 and 8, is amended to read:

4
5 D. For purposes of the state school subsidy, a student
6 transferred under this subsection shall ~~be~~ is considered a
7 resident of the school administrative unit to which
8 transferred. ~~For purposes of local leeway under section~~
9 ~~15511, subsection 3, a student transferred under this~~
10 ~~subsection shall be considered a resident of the largest~~
11 ~~municipality in the school administrative unit to which~~
12 ~~transferred.~~ Upon request of the superintendent of schools
13 in the unit in which a student is placed in accordance with
14 this subsection, the state share percentage for subsidized
15 educational costs for that student is equivalent to the
16 state share percentage of the unit in which the student's
17 parent or legal guardian resides or the average state share
18 percentage, whichever is greater. If the parent or legal
19 guardian does not reside in the State or can not be located,
20 the subsidy is the state average subsidy.

21 Sec. 3. 20-A MRSA §5814, as enacted by PL 1981, c. 693, §§5
22 and 8, is amended to read:

23 **§5814. Students not residing with parent or guardian**

24
25 Whenever a student is ~~in the custody of persons other than~~
26 ~~not residing with that student's~~ parents or legal guardians
27 because of a broken homes home or intolerable home conditions,
28 the unit where the student ~~is placed for~~ attends school purposes
29 may apply to the commissioner for a determination regarding which
30 unit shall pay the cost of educating such a student. The
31 determination of the commissioner shall ~~be~~ is binding upon the
32 administrative units concerned.

33
34 In cases when the commissioner determines that a school unit
35 must pay the tuition for a student described in this section who
36 attends school in another unit, the student is considered a
37 resident of the unit that pays tuition. If the student is not
38 determined to be a tuition student, the student is considered a
39 resident student in the school unit where the student is placed.
40 If the superintendent of the unit in which the student is placed
41 so requests, the subsidy for that student is equivalent to the
42 state share percentage of the unit in which the student's parent
43 or legal guardian resides or the average state share percentage,
44 whichever is greater. If the parent or legal guardian does not
45 reside in the State or can not be located, the subsidy is the
46 state average subsidy.'
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STATEMENT OF FACT

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6 This amendment adds a provision describing the process by
which the appropriate subsidy for students not living at home and
transfer students is calculated.

8

10 The amendment requires the same subsidy calculation for a
student from a broken home who is attending school in a unit
other than where that student's parent or legal guardian resides
12 if the Commissioner of Education has determined that the unit
must pay the cost for educating that child.

14

Reported by the Committee on Education
Reproduced and distributed under the direction of the Clerk of the
House
(5/20/91) (Filing No H-361)