

MAINE STATE LEGISLATURE

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L.D. 1152

(Filing No. S-304)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 431, L.D. 1152, Bill, "An Act to Provide Educational Choice"

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 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

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2 nonresident unit, the student may remain enrolled and is not
3 required to submit annual or periodic applications. To return to
4 the resident unit or to transfer to a different nonresident unit,
5 the parent or guardian of the student must provide notice to the
6 resident unit or apply to a different nonresident unit by January
7 1st for enrollment beginning the following school year.

8 4. Nonresident unit procedures. A unit that does not
9 exclude nonresident students under subsection 2 shall notify the
10 parent or guardian who has submitted an application under
11 subsection 3 in writing by February 1st whether the application
12 has been accepted or rejected. If an application is rejected,
13 the unit shall state in the notification the reason for
14 rejection. If the application is accepted, the parent or
15 guardian shall notify the nonresident unit by February 15th if
16 the student intends to enroll in the nonresident unit. Notice of
17 intent to enroll in the nonresident unit obligates the student to
18 attend the nonresident unit during the following school year
19 unless the school boards of the resident and the nonresident
20 units agree in writing to allow the student to transfer back to
21 the resident unit or the student's parents or guardians change
22 residence to another unit. If a parent or guardian does not
23 notify the nonresident unit, the student may not enroll in that
24 nonresident unit during the following school year unless the
25 school boards of the resident and nonresident units agree
26 otherwise. The nonresident unit shall notify the resident unit
27 by March 1st of the student's intent to enroll in the nonresident
28 unit. The same procedures apply to a student who applies to
29 transfer from one participating nonresident unit to another
30 participating nonresident unit.

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

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

46 7. Previous enrollment. Any student enrolled on January 1,
47 1991 in a school administrative unit in which the student was not
48 a resident may continue enrollment in that unit without
49 application.

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

§5302. Graduation credits

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

§5303. Transportation

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

The resident unit is not required to provide or pay for transportation between the student's residence and the border of the nonresident unit. A parent may be reimbursed by the nonresident unit for the costs of transportation from the student's residence to the border of the nonresident unit if the student is from a family whose income is at or below the poverty level determined by the Federal Government.

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

§5304. Education aid

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

§5305. Commissioner's responsibilities

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

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

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

3. Funding formula. Coordinating the distribution of state funds through the School Finance Act of 1985, chapter 606, for

students exercising their enrollment option under this chapter;
and

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

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

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

A. The product determined by multiplying the sum of the
average number of resident pupils in kindergarten and grades
one to 8 in the unit on April 1st and October 1st of the
calendar year immediately prior to the year of allocation,
~~excluding~~ plus the number of nonresident elementary pupils
accepted for enrollment by the unit under chapter 214, less
the number of the unit's elementary pupils accepted for
enrollment by other units under chapter 214, less special
education tuition pupils, by the elementary foundation per
pupil operating rate as established in section 15607; and

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

Sec. 3. Pilot projects. The Commissioner of Education shall
establish pilot projects to test and evaluate implementation of
this Act. School administrative units wishing to participate in
public school choice pilot projects shall submit applications to
the commissioner. Upon approval of an application by the
commissioner, the provisions of this Act apply to participating
units, except that:

1. For school subsidy purposes, funding of students
choosing to attend school in a nonresident unit must be as is
currently provided for students attending another school unit
under a superintendent's agreement; and

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2 2. The transportation costs of a student choosing to attend
3 school are the responsibility of the parent or guardian of that
4 student.

6 The commissioner shall prescribe by rule the number of pilot
7 projects to be developed, the application procedures and the
8 criteria for approval of applications to participate in the pilot
9 projects.

10 The commissioner shall evaluate the results of the public
11 school choice pilot projects and report findings and
12 recommendations to the joint standing committee of the
13 legislature having jurisdiction over educational matters and to
14 the Executive Director of the Legislative Council by December 1,
15 1993. The report must include any recommendations for
16 legislative action.

18 **Sec. 4. Effective date.** Sections 1 and 2 of this Act take
19 effect on July 1, 1994.

FISCAL NOTE

24 This amendment establishes a public school open enrollment
25 program, effective in fiscal year 1994-95, which will allow
26 students to attend the school of their choosing within minor
27 limitations. The Department of Education, Curriculum Division,
28 will be responsible for providing information and technical
29 assistance to school units, developing and distributing forms,
30 coordinating distribution of funds through the School Finance Act
31 and promulgating rules. The department will absorb the costs
32 associated with these activities, with the exception that, if a
33 significant number of school administrative units choose to
34 participate in this program, General Fund appropriations will be
35 required to adequately monitor the participants.

38 The amendment also requires the Department of Education to
39 establish pilot projects to test and evaluate implementation of
40 the open enrollment program, and report the findings and
41 recommendations to the Legislature. The costs associated with
42 establishing and monitoring the pilot programs and the report
43 process can be absorbed within current budgeted resources of the
44 Department of Education.

46 This amendment may increase transportation and clerical
47 costs for local school units, the amount of which can not be
48 determined at this time. Under the school mandate laws, General
49 Fund appropriations to the Department of Education would be
50 required to reimburse school administrative units for these
costs.'

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STATEMENT OF FACT

This amendment replaces the original bill which established a broad school voucher program. The amendment establishes a public school open enrollment program to be administered by the Commissioner of Education. The choice programs will go into effect statewide on July 1, 1994. In the meantime, this amendment establishes pilot projects to be set up by the commissioner to test and evaluate the operation of the public school choice program. The commissioner is to report findings and recommendations to the Legislature by December 1, 1993.

Reported by the Minority for the Committee on Education.
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/5/91) (Filing No. S-304)