

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

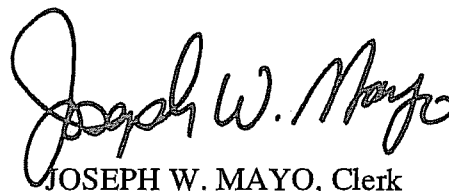
No. 553

H.P. 434

House of Representatives, February 18, 1993

An Act to Establish a School Choice Program.

Reference to the Committee on Education suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative STEVENS of Sabattus.
Cosponsored by Senator GOULD of Waldo and
Representatives: COFFMAN of Old Town, LIBBY of Kennebunk, MICHAEL of Auburn,
Senator: AMERO of Cumberland.

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

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

6 CHAPTER 214

8 ENROLLMENT OPTIONS

10 §5301. Enrollment options program

12 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
14 does not reside, subject to the limitations in this chapter.

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

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

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

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

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

38 6. Waiver of deadlines. Notwithstanding subsection 3, upon
40 agreement of the resident and nonresident school units, a student
42 may submit an application to the nonresident unit after January
44 1st for enrollment beginning the following school year. The
46 student, the student's parent or guardian, the unit of residence
48 and the unit of attendance must observe in a prompt and efficient
50 manner the application and notice procedures in subsections 3 and
52 4, except that the application and notice deadlines do not apply.

54 7. Previous enrollment. Any student enrolled on January 1,
56 1993 in a school administrative unit in which the student was not
58 a resident may continue enrollment in that unit.

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

68 §5302. Graduation credits

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

78 §5303. Transportation

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

84 The resident unit is not required to provide or pay for
86 transportation between the student's residence and the border of

2 the nonresident unit. A parent may be reimbursed by the
3 nonresident unit for the costs of transportation from the
4 student's residence to the border of the nonresident unit if the
5 student is from a family whose income is at or below the poverty
6 level determined by the Federal Government.

7 Costs of the nonresident unit incurred in providing
8 transportation under this section are counted as transportation
9 operating costs under the School Finance Act of 1985.

10 **§5304. Education aid**

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

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

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

24 3. Funding formula. Coordinating the distribution of state
25 funds through the School Finance Act of 1985 for students
26 exercising their enrollment option under this chapter; and

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

34 **Sec. 2. 20-A MRSA §15608, sub-§1, as enacted by PL 1983, c.**
35 **859, Pt. G, §§2 and 4, is amended to read:**

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

38 **A. The product determined by multiplying the sum of the**
39 **average number of resident pupils in kindergarten and grades**
40 **one to 8 in the unit on April 1st and October 1st of the**
41 **calendar year immediately prior to the year of allocation,**
42

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

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