



STATE LAW LIBRARY AUGUSTA, MAINE

116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1554

H.P. 1155

House of Representatives, June 7, 1993

An Act to Prohibit Discrimination in the Assignment of School Attendance Areas.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Education suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative OLIVER of Portland.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is alleged that the children of the City of Portland face discrimination in their school attendance area assignments; and

Whereas, it is alleged that school administrative units have discriminated against children of low-income families in certain areas for a long period of time; and

Whereas, this economic discrimination must be remedied 14 before the start of the next school year; and

16 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 20 safety; now, therefore,

Sec. 1. 20-A MRSA c. 101, sub-c. III is enacted to read:

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

24

2

4

6

8

12

26

28

34

36

48

NONDISCRIMINATION

SUBCHAPTER III

- 30 **§1061. Short title**
- 32 <u>This subchapter may be known and cited as the</u> <u>"Antidiscrimination in School Attendance Areas Assignment Act."</u>

<u>§1062. Definitions</u>

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

40 <u>1. School administrative unit. "School administrative unit" means a state-approved unit of school administration and includes a municipal school unit, a school administrative district, a community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools.</u>

2. Significantly different economic areas. "Significantly different economic areas" means a set of geographic areas where:

A. A school in a school attendance area is eligible to receive services funded pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended, 20 United States Code, Section 2701 et seq. and a school in an adjacent school attendance area is not;

B. A school in a school attendance area is eligible to receive federal Housing and Community Development Block Grant funds or community recreational physical improvements and a school in an adjacent school attendance area is not; or

C. There is a 20% difference between the average income of the census tracts in one school attendance area and the average income of the census tracts in an adjacent school attendance area.

§1063. Economic discrimination prohibited

A school administrative unit may not institute or operate a center or other educational program in a local elementary school if the operation of the center or program avoids redistricting between adjacent school attendance areas that are located in significantly different economic areas unless the center or educational program draws students from throughout the entire school administrative unit.

<u>§1064. Enforcement actions</u>

2

Δ

6

8

10

12

14

16

18

26

28

40

42

44

The Commissioner of Education shall file an action in the 30 Superior Court to enforce this Act if the commissioner is:

32 1. Petition request. Petitioned to commence an action by 60% of the parents of the children of a school in a significantly 34 different economic area;

36 2. Request by elected official. Requested to commence an action by an elected official representing the school administrative district in which a school in a significantly different economic area is located; or

3. Voter request. Petitioned to commence an action by 20% of the registered voters of the precinct in which a school in a significantly different economic area is located.

An action filed under this Act may be advanced on the docket of the Superior Court and receive priority over other civil cases if the court determines that priority is in the interests of justice.

Page 2-LR2293(1)

L.D.1554

Sec. 2. Application. This Act applies to all school 2 administrative unit decisions on school attendance areas beginning with and including decisions affecting school 4 attendance areas for the school year beginning in 1993. 6 Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved. 8 STATEMENT OF FACT 10 12 The purpose of this bill is to ensure that school redistricting done in the State takes place without economic discrimination. The bill provides for enforcement of the nondiscrimination requirement by the Commissioner of Education 14 16 through an action brought in the Superior Court.