

MAINE STATE LEGISLATURE

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DATE: March 29, 1996 (Filing No. S-545)

EDUCATION AND CULTURAL AFFAIRS

Reported by: Report "A" of the Committee.

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STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 36, L.D. 66, Bill, "An Act to Establish Choices for Parents and Guardians in their Children's Education"

Amend the bill in section 1 in that part designated "§5301." in subsection 2 in the last line (page 1, line 18 in L.D.) by inserting after the following: "chapter." the following: 'A school board may limit the percentage of resident students from its school administrative unit who choose to enroll in another school administrative unit if the loss of students creates a hardship for the resident unit. The commissioner shall establish rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.'

Further amend the bill in section 1 in that part designated "§5301." in subsection 3 in the 9th line (page 1, line 28 in L.D.) by striking out the following: "must" and inserting in its place the following: 'may'

Further amend the bill in section 1 in that part designated "§5301." in subsection 5 in the last 2 lines (page 2, lines 20 and 21 in L.D.) by striking out the following: "handicap, proficiency in the English language or previous disciplinary proceedings" and inserting in its place the following: 'handicap or proficiency in the English language'

Further amend the bill in section 1 by inserting at the end the following:

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§5306. Restrictions

A school administrative unit that does not maintain one or more grades from kindergarten to grade 12 and has not contracted with another school administrative unit for school privileges may not participate in the enrollment options program established in this chapter. This chapter does not affect the right of the legislative body of a school administrative unit to contract with another school for school privileges pursuant to section 2701. This chapter does not affect the right of a school administrative unit to receive tuition payment for educating a student pursuant to chapter 219.

§5307. Special education cost limitation

The cost to a nonresident unit to educate a nonresident student eligible for approved special education services pursuant to chapter 303 is limited to the state average elementary tuition rate for an elementary school student or the state average secondary tuition rate for a secondary school student. Approved special education costs in excess of the appropriate state average tuition rate must be paid by the resident unit. A representative of the resident unit with authorization to obligate the resident unit's fiscal resources and ensure provision of special education and supportive services must participate in the student's pupil evaluation team meetings and development of the student's individualized education plan.

§5308. Review

1. Review; report. The commissioner, with assistance from the state board, shall conduct a review of the results of the enrollment options program following operation of the program for 5 school years. The commissioner shall submit a report and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 15th of the following school year.

2. Repeal. This chapter is repealed July 1, 2002.'

Further amend the bill by inserting after section 2 the following:

Sec. 3. 20-A MRSA §15652, sub-§11, as enacted by PL 1995, c. 368, Pt. Z, §1 and affected by §2, is amended to read:

11. Subsidizable pupils. "Subsidizable pupils" means all kindergarten to grade 12 pupils who reside in a school administrative unit plus the number of nonresident pupils accepted for enrollment by the unit under chapter 214, less the

number of the unit's pupils accepted for enrollment by other units under chapter 214 and who are educated at public expense.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

If school administrative units authorize nonresident students to attend any schools within their units, they may incur increased costs related to transporting certain students. While the exact amount of these costs can not be determined, they are reimbursable under the school funding formula. General Fund appropriations to the Department of Education's General Purpose Aid for Local Schools account may be required beginning in fiscal year 1998-99.

The additional costs to adopt rules to implement the enrollment options program, design and distribute forms and provide technical assistance to school units can be absorbed by the department utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment is the majority report. This amendment permits a school unit to limit the percentage of students who may choose to attend school in another unit if the loss of students creates a hardship, subject to rules established by the Commissioner of Education. The amendment replaces a requirement that a student identify the reason for enrolling in the enrollment options program with a provision making identifying the reason voluntary. The amendment deletes a provision that would have prevented a school board from considering previous disciplinary proceedings against a student as a basis for acceptance or rejection of a student's application to participate in the choice program.

The amendment clarifies that a school administrative unit that does not maintain one or more grades from kindergarten to grade 12 and has not contracted with another school administrative unit for school services may not participate in the enrollment options program. The amendment also makes clear that nothing in the enrollment options program restricts the right of a school administrative unit to contract with another

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COMMITTEE AMENDMENT "A" to S.P. 36, L.D. 66

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school administrative unit to provide school services or restricts the right of a school administrative unit to receive tuition payment for educating a student from another school administrative unit.

The amendment restricts the special education costs that must be borne by a school administrative unit that accepts a nonresident student with special education needs through the enrollment options program. The cost is limited to the state average tuition cost. Costs in excess of the state average tuition cost must be paid by the sending school administrative unit. The amendment requires a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The amendment establishes a review of the enrollment options program after 5 years of operation. The program may continue for a maximum of 6 years. The Legislature must approve continuation of the program past the 6th year. The amendment also changes a definition in the Maine Revised Statutes, Title 20-A to clarify funding for students who participate in the enrollment options program.