

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 66

S.P. 36

In Senate, January 17, 1995

**An Act to Establish Choices for Parents and Guardians in their
Children's Education.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator AMERO of Cumberland.

Cosponsored by Senators: BENOIT of Franklin, CIANCHETTE of Somerset, HARRIMAN of Cumberland, HATHAWAY of York, STEVENS of Androscoggin, Representatives: CLOUTIER of South Portland, DiPIETRO of South Portland.

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

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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. A particular school may be requested by the parent or guardian. Once enrolled in a nonresident unit, the student may remain enrolled and is not required to submit annual or periodic applications. In order for the student to return to the resident unit or to transfer to a different nonresident unit, the parent or guardian of the student must provide notice to the resident unit or apply to a different nonresident unit by January 1st for enrollment beginning the following school year.

4. Nonresident unit procedures. A unit that does not exclude nonresident students under subsection 2 shall notify the parent or guardian in writing by February 1st whether the application has been accepted or rejected. If an application is rejected, the unit shall state in the notification the reason for rejection. If an application is accepted, the parent or guardian shall notify the nonresident unit by February 15th if the student intends to enroll in the nonresident unit. Notice of intent to enroll in the nonresident unit obligates the student to attend

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

15 5. Basis for decisions. Each school board shall adopt
16 specific standards for acceptance and rejection of applications.
17 The standards may include the capacity of a program, class, grade
18 level or school building. The standards may not include previous
19 academic achievement, athletic or other extracurricular ability,
20 any physical or mental handicap, proficiency in the English
21 language or previous disciplinary proceedings.

22 6. Waiver of deadlines. Notwithstanding subsection 3, upon
23 agreement of the resident and nonresident school units, a student
24 may submit an application to the nonresident unit after January
25 1st for enrollment beginning the following school year. The
26 student, the student's parent or guardian, the unit of residence
27 and the unit of attendance must observe in a prompt and efficient
28 manner the application and notice procedures in subsections 3 and
29 4, except that the application and notice deadlines do not apply.

30 7. Previous enrollment. Any student enrolled on January 1,
31 1995 in a school administrative unit in which the student was not
32 a resident may continue enrollment in that unit.

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

37 **§5302. Graduation credits**

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

42 **§5303. Transportation**

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

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

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

16 **§5304. Education aid**

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

22 **§5305. Commissioner's responsibilities**

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

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

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

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

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

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

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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.

STATEMENT OF FACT

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