

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1495

S.P. 547

In Senate, May 4, 1995

An Act to Establish the Comprehensive School Choice Program in the State.

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 HARRIMAN of Cumberland.
Cosponsored by Senators: ABROMSON of Cumberland, BENOIT of Franklin, HALL of Piscataquis, HANLEY of Oxford, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, MILLS of Somerset, STEVENS of Androscoggin, Representatives: JOYCE of Biddeford, JOYNER of Hollis, LIBBY of Buxton, LUMBRA of Bangor, TRUE of Fryeburg.

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

4 **Sec. 1. 5 MRSA §12004-I, sub-§7-C** is enacted to read:

6 **7-C.** School Choice Expenses 20-A
Education Advisory Only MRSA
 Council §19004

8 **Sec. 2. 20-A MRSA Pt. 8** is enacted to read:

10 **PART 8**

12 **SCHOOL CHOICE**

14 **CHAPTER 801**

16 **COMPREHENSIVE SCHOOL CHOICE PROGRAM**

18 **§19001. Definitions**

20 As used in this chapter, unless the context otherwise
22 indicates, the following terms have the following meanings.

24 **1. Alternative education program.** "Alternative education
26 program" means a program to provide elementary or secondary
education in a setting other than a public school.

28 **2. Council.** "Council" means the School Choice Advisory
30 Council created in section 19004.

32 **3. Nonpublic school capacity.** "Nonpublic school capacity"
34 means the number of positions available in alternative education
programs for students who were not previously enrolled in the
alternative education programs.

36 **4. Office.** "Office" means the Comprehensive School Choice
38 Office created in section 19003.

40 **5. Program.** "Program" means the Comprehensive School
42 Choice Program created in section 19002.

44 **6. Voucher.** "Voucher" means a statement from the office to
46 a parent that the office will pay the authorized education costs
of a child enrolled in a private school under the provisions of
this chapter.

48 **§19002. Comprehensive School Choice Program**

50 The Comprehensive School Choice Program is established to
52 improve the quality of elementary and secondary education for
children in the State and reduce the per-pupil cost of public
schooling. The program has the following goals.

2 1. Consolidation. The program provides a comprehensive
3 school choice program based on current practices of individual
4 school administrative units by:

6 A. Consolidating into a statewide education policy various
7 regional and local school choice policies and programs in
8 the area of public school access for home school and private
9 school children;

10 B. Consolidating into a statewide policy those isolated
11 local policies that allow children to be tuitioned to
12 private and religious schools in full or just for one class;
13 and

14 C. Consolidating into a statewide program public services
15 to private and religious schools, including free busing and
16 school nursing for students in those schools and the
17 provision of textbooks for religious schools from local tax
18 money.

19 2. Experimental environment. The program provides an
20 experimental environment in the State for encouraging new
21 educational entrepreneurs to try new curricula, pedagogy and
22 concepts before the adoption of those methods in public schools.
23 The program encourages ambitious teachers to set up small schools
24 centered around new concepts and ideas with freedom to implement
25 a unique educational philosophy.

26 3. Emerging technology. The program makes publicly funded
27 emerging education technology available to all students
28 regardless of where their schooling occurs.

29 4. Improvement in education system. The program improves
30 the entire education system by:

31 A. Broadening the options of parents and students with
32 respect to the selection of schools both within and outside
33 their public school unit;

34 B. Inducing a limited form of competition for students
35 among public and private schools; and

36 C. Making a provider of an alternative education program
37 directly responsible and accountable to the parents and
38 students who hold a voucher.

39 §19003. Comprehensive School Choice Office

40 There is created within the department the Comprehensive
41 School Choice Office. The office is responsible, with advice
42 from the council, for the administration of this chapter. In

2 addition to other functions identified in this chapter, the
3 office is authorized and directed to work toward the achievement
4 of the goals identified in section 19002.

5 1. Staff. The office consists of a director and sufficient
6 employees to carry out this chapter.

7 2. Funding. The office is funded solely from General
8 Purpose Aid to Local Schools. The level of funding for the
9 office for a given year may not exceed the difference between
10 \$3,000 and \$2,250 times the total number of vouchers awarded for
11 that year.

12 3. Advice of Attorney General. The office shall consult
13 with the Attorney General to ensure that the operation of the
14 program complies with the Constitution of Maine and the United
15 States Constitution.

16 4. Technical assistance. The office shall provide
17 technical assistance to persons seeking to set up alternative
18 education programs.

19 5. Annual conference. The office shall explore the
20 advisability of conducting an annual conference on alternative
21 education programs and sponsoring regional school choice fairs.

22 6. Referral. The office shall provide referral services to
23 parents seeking alternative education programs.

24 **§19004. School Choice Advisory Council**

25 1. Membership. The School Choice Advisory Council as
26 established under Title 5, section 12004-I, subsection 7-C is
27 created with the following 9 members appointed by the Governor:

28 A. The commissioner or the commissioner's designee;

29 B. Two representatives of public school systems, one
30 representing an urban system and one representing a rural
31 system;

32 C. Two representatives of private schools, one representing
33 a private school with 50 or more students and one
34 representing a private school with fewer than 50 students;

35 D. One representative of families providing home schooling;

36 E. Two members representing families with children in the
37 public school system; and

38 F. One member representing property taxpayers who do not
39 have children in a school system.

2 2. Chair. The council shall choose a chair from among its
membership.

4
6 3. Terms of office; vacancies. Members serve for 3 years
and may be reappointed. Vacancies must be filled in the same
manner as the original appointment. Members appointed to fill
8 vacancies serve for the remainder of the vacant term.

10 4. Expenses. Members are not entitled to receive
compensation but may receive reimbursement for reasonable
12 expenses incurred in attending meetings and conducting other
council business.

14
16 5. Duties. The council advises the office in the
performance of its duties under this chapter.

18 6. Meetings. The council shall meet once each month and at
other times requested by the chair or by a majority of the
20 members.

22 7. Quorum. A majority of the members constitutes a quorum.

24 §19005. School choice implementation plan

26 1. Initial activities. The office, with advice of the
council, shall determine the following:

28 A. The capacity of the nonpublic education system to absorb
30 students from public schools;

32 B. The average tuition at nonpublic schools to be used in
34 determining an appropriate voucher level for elementary and
secondary school levels;

36 C. The relative harm done to public schools, including loss
38 of personnel and loss of space, when public school funding
is reduced as students receive vouchers for alternative
education programs;

40 D. The relative benefits to public schools in terms of
42 diminished need for new school construction, reduced
overcrowding and reinvigorated curricula;

44 E. The relative benefits for the economy as private schools
46 expand and alternative education programs are created; and

48 F. The need for the establishment of a special needs grant
50 to supplement vouchers for children with special needs.

52 2. Implementation planning. In order to implement the
program, the office, with advice from the council, shall:

- 2 A. Set up a system for supervising the awarding of vouchers
4 so that there is the widest degree of equity and
 availability, with a preference for promising students from
6 low-income families in isolated sections of the State;
- 8 B. Set up a system for redeeming the vouchers based on
 documentation of services rendered, courses taken,
10 verifiable attendance and corresponding invoices for
 legitimate educational expenses;
- 12 C. Set up a system for awarding credit for courses taken in
 nonpublic schools that can be accepted in public schools if
14 a student reenters a public school;
- 16 D. Explore competency-based testing, both in the area of
 work and higher education, allowing 2 diplomas to be awarded
18 depending on the aspirations of the students based on their
 overall performance; and
- 20 E. Determine which schools and alternative education
22 programs are eligible to receive vouchers.

24 3. Report. The office and the council shall report
 annually to the Governor and the Legislature on the academic and
26 other achievements of the students participating in the program.
 The report must include the number of students participating in
28 the program; the number of students in each category of
 schooling; the number of dropouts, suspensions and expulsions
30 during the school year; the amount of savings to the State and
 local units in the cost of public education; and the positive and
32 negative impacts of the program on public schools and the State's
 economy. The report may include any recommendations regarding
34 the program.

36 4. Implementation. The plan must be implemented in the
 following manner.

38 A. The plan is a 5-year pilot program beginning with the
40 school year starting in September 1996. Before the awarding
 of vouchers, the office and the council shall conduct a
42 survey and create a list of eligible schools and alternative
 education programs. Vouchers must be made available to
44 parents of students currently enrolled in public schools.
 Vouchers may be used for any eligible school or alternative
46 education program.

48 B. In the first year, the office shall award 100 vouchers.
 A person awarded a voucher for a student in any year of the
50 plan must be awarded a voucher for that student in each
 subsequent year of the plan if that person so chooses and if
52 the requirements of this Part are met. In subsequent years

2 of the plan, the office shall award a number of vouchers
3 equal to 100 plus the number of vouchers awarded in the
4 prior year that are not awarded again in the current year to
5 the prior year's recipient. Vouchers must be awarded for 5
6 years.

7 C. The office shall create a set of prioritized categories
8 for awarding vouchers. The office shall organize and
9 conduct a statewide lottery to determine who will be awarded
10 vouchers. The lottery may be weighted to favor prioritized
11 categories identified in this paragraph or to achieve the
12 goals identified in subsection 2, paragraph A. The lottery
13 must be conducted at a time that is synchronized with school
14 calendars, admission policies and public school budgeting
15 schedules.

16 D. The value of each voucher is \$3,000 minus the cost of
17 operating the office spread equally among all the vouchers
18 awarded in a given year. The value of each voucher must be
19 at least \$2,250.

22 **STATEMENT OF FACT**

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24
25
26 This bill establishes the Comprehensive School Choice
27 Program by phasing in over 5 years a system of vouchers for
28 students who will attend alternative education programs. It is
29 the intent of the bill to improve the quality and efficiency of
30 education in the State by encouraging alternative education
31 programs to compete with public school programs. It is further
32 the intent of this bill to provide relief to the State's economy
33 by partially subsidizing families who choose nonpublic education
34 and relieving property taxpayers of the burden of supporting
35 children in the public schools who would prefer to choose
36 nonpublic alternatives.

37
38 The bill creates the Comprehensive School Choice Office
39 within the Department of Education to administer the program
40 assisted by the School Choice Advisory Council. The office
41 administers the program, provides technical assistance and
42 referral, and reports on the program to the Governor and the
Legislature.