

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 428

S.P. 149

In Senate, January 23, 1997

An Act to Clarify Tuition Rates for Middle School Students.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien", is positioned above the printed name of the Secretary of the Senate.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative: SNOWE-MELLO of Poland.

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

Sec. 1. 20-A MRSA §1, sub-§§17-A and 17-B are enacted to read:

17-A. Middle school. "Middle school" means that portion of a school that provides instruction in any combination of grade 6 to grade 9.

17-B. Middle student. "Middle student" means a student enrolled in a middle school.

Sec. 2. 20-A MRSA §5204-A is enacted to read:

§5204-A. Middle students right to attend school in another administrative unit

The following provisions govern the right of middle students to attend school in another school administrative unit other than the one in which the students are residents.

1. Units with a middle school. Middle students may attend an approved private school or a public middle school in any school administrative unit with the consent of the receiving school board. The students' parents or guardians shall pay the cost of tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the students' parents reside of the name and grade of the accepted student.

2. Living remote from public schools in a school administrative unit. Middle students whose parents live remote from a public school in their school administrative unit, with the consent of the school board in that unit, may attend public school in an adjoining school administrative unit in this State or a neighboring state if the adjoining unit accepts tuition students. The school administrative unit where the students' parents reside shall pay tuition.

3. Contract school. Students whose parents reside in a school administrative unit that contracts for school privileges under section 2701 may attend the contract school. The school administrative unit in which the students' parents reside shall pay the cost of the contract.

4. Middle school not available. Middle students whose parents reside in a school administrative unit that does not maintain a middle school and does not contract for middle school privileges may attend a private school approved for tuition purposes, a public school in an adjoining unit that accepts

2 tuition students or a school approved for tuition purposes in
4 another state or country upon permission of officials of the
6 receiving school. The school administrative unit where the
8 students' parents reside shall pay tuition in the amount up to
10 the legal tuition rate as defined in chapter 219.

12 5. Units with 10 or fewer students. Middle students whose
14 parents reside in a school administrative unit with a total April
16 1st resident student count of 10 or less may attend public school
18 as tuition students in a nearby school administrative unit. The
20 school board of the nearby school administrative unit shall
22 accept the students if requested by the school board of the unit
24 in which the students' parents reside. The school board where
26 the students' parents reside shall pay tuition.

28 6. Insufficient courses; time limitations. If a middle
30 school does not offer 2 approved foreign language courses, its
32 students may attend another middle school approved for tuition
34 purposes to take the language courses if:

36 A. The receiving school accepts tuition students;

38 B. The students meet the qualifications for attending their
40 middle school; and

42 C. The students have notified their school administrative
44 unit by April 1st, before the start of each school year,
46 that the students wish to take a foreign language not being
48 offered by their school administrative unit. The students'
50 school administrative unit shall notify the students on or
before July 15th of that year when the language course will
be offered in the next school year.

Sec. 3. 20-A MRSA §§5805-A and 5806-A are enacted to read:

§5805-A. Middle school students; public schools

Tuition charges for middle school students in public schools
are governed by the following.

1. Computation of tuition rate. The tuition rate at a
public middle school is the sum of all expenditures divided by
the number of students. These figures are determined as follows.

A. Expenditures are all expenditures for public middle
education for the period July 1st to June 30th of the year
immediately before the school year for which the tuition
charge is computed, except expenditures for:

(1) Special education;

- 2 (2) Vocational education;
4 (3) Community services;
6 (4) Major capital outlay;
8 (5) Debt retirement; and
10 (6) Tuition and transportation.

12 B. The number of students is the average number of public
14 middle pupils enrolled on October 1st and April 1st of the
 same year.

16 C. The figure obtained by using the figures established in
18 paragraphs A and B is divided by the average number of
 middle students on October 1st and April 1st of the year
20 immediately prior to the year for which the tuition charge
 is computed.

22 D. The tuition rate determined under this subsection is
24 adjusted by the average change in public middle education
 costs for the 2 years immediately before the school year for
26 which the tuition charge is computed. This adjustment must
 be limited to a 6% increase.

28 2. Maximum allowable tuition. The maximum allowable
30 tuition charge by a public middle school is the rate computed
 under subsection 1 or the state average per public middle student
32 cost as adjusted, whichever is lower.

34 **§5806-A. Middle school students; private schools**

36 Tuition charges for middle school students in private
 schools are governed by the following.

38 1. Private schools. Tuition rates for a private school
40 must be computed as provided under section 5805-A, subsection 1,
 except that expenditures and number of students are based on the
42 expenditures and students of that school.

44 2. Maximum allowable tuition. The maximum allowable
 tuition charged to a school administrative unit by a private
46 school is the rate established under subsection 1 or the state
 average per public middle student cost as adjusted, whichever is
48 lower, plus an insured value factor. The insured value factor is
 computed by dividing 5% of the insured value of school buildings
 and equipment by the average number of pupils enrolled in the

school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 10% of a school's legal tuition rate per student in any one year beginning with the 1997-98 school year.

3. Tuition charge above allowable maximum. A private school may charge tuition above the allowable maximum established in subsection 2, to a maximum excess charge of 15% above the otherwise allowable maximum, in those cases when the private school has a tuition contract with a public school unit or in those cases when the students have alternative choices for attending middle schools at the allowable maximum tuition rate. The amount above the allowable maximum may be paid in whole or in part by the school administrative unit if the legislative body of the administrative unit votes to authorize its school board to pay a higher tuition rate.

SUMMARY

This bill extends the provisions that cover secondary school attendance in another administrative unit and tuition for that attendance to middle school students. In doing so, the bill requires that the maximum allowable tuition charge for public middle school attendance may be no higher than the state average per pupil middle student cost.