

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 623

S.P. 195

In Senate, January 30, 1997

An Act to Provide Opportunities for Choice within the Public School System.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.
Cosponsored by Senators: HARRIMAN of Cumberland, LIBBY of York, SMALL of Sagadahoc, Representatives: BARTH of Bethel, CIANCHETTE of South Portland, MARVIN of Cape Elizabeth.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

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 school within that school board's administrative unit according to this chapter. 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.

3. Student application procedures. In order for a student to apply to 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 shall 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 reason for applying to enroll in a nonresident unit. The student's application may identify the reason for enrolling in the nonresident unit. The parent or guardian of a student shall 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 application. 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

2 application has been accepted or rejected. If an application is
3 rejected, the unit shall state in the notification the reason for
4 rejection. If an application is accepted, the parent or guardian
5 shall notify the nonresident unit by February 15th if the student
6 intends to enroll in the nonresident unit. Notice of intent to
7 enroll in the nonresident unit obligates the student to attend
8 the nonresident unit during the following school year unless the
9 school boards of the resident and the nonresident units agree in
10 writing to allow the student to transfer back to the resident
11 unit or the student's parents or guardians change residence to
12 another unit. If a parent or guardian does not notify the
13 nonresident unit, the student may not enroll in that nonresident
14 unit during the following school year unless the school boards of
15 the resident and nonresident units agree otherwise. The
16 nonresident unit shall notify the resident unit by March 1st of
17 the student's intent to enroll in the nonresident unit. The same
18 procedures apply to a student who applies to transfer from one
19 participating nonresident unit to another participating
20 nonresident unit.

21 5. Basis for decisions. Each school board shall adopt
22 specific standards for acceptance and rejection of applications.
23 The standards may include the capacity of a program, class, grade
24 level or school building. The standards may not include previous
25 academic achievement, athletic or other extracurricular ability,
26 any physical or mental handicap or proficiency in the English
27 language.

28 6. Waiver of deadlines. Notwithstanding subsection 3, upon
29 agreement of the resident and nonresident school units, a student
30 may submit an application to the nonresident unit after January
31 1st for enrollment beginning the following school year. The
32 student, the student's parent or guardian, the unit of residence
33 and the unit of attendance must observe in a prompt and efficient
34 manner the application and notice procedures in subsections 3 and
35 4, except that the application and notice deadlines do not apply.

36 7. Previous enrollment. Any student enrolled on January 1,
37 1995 in a school administrative unit in which the student was not
38 a resident may continue enrollment in that unit.

39 8. Information. A unit that does not exclude nonresident
40 students under subsection 2 shall make information about the unit
41 and its schools, programs, policies and procedures available to
42 all interested persons.

43 9. Recordkeeping. Each superintendent of a school district
44 shall forward to the department by May 1st of each year the
45 number of requests for transfer into that school district
46 received, the number of requests approved and the number of
47 requests denied.

2 requests denied. The department shall maintain records of this
3 information.

4 **§5302. Graduation credits**

6 A nonresident unit shall accept graduation credits awarded
7 by another unit. The nonresident unit shall award a diploma to a
8 nonresident student if the student meets that unit's graduation
9 requirements.

10 **§5303. Transportation**

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

16 The resident unit is not required to provide or pay for
17 transportation between the student's residence and the border of
18 the nonresident unit. A parent may be reimbursed by the
19 nonresident unit for the costs of transportation from the
20 student's residence to the border of the nonresident unit if the
21 student is from a family whose income is at or below the poverty
22 level determined by the Federal Government.

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

28 **§5304. Education aid**

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

34 **§5305. Commissioner's responsibilities**

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

40 1. Information and technical assistance. Informing school
41 administrative units and school boards of their responsibilities
42 under this chapter and providing technical assistance to assist
43 in compliance with those responsibilities;

44 2. Forms. Developing and distributing applications and
45 other forms necessary for compliance with this chapter;

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

2 4. Rules. Adopting rules in accordance with the Maine
3 Administrative Procedure Act necessary to implement this
4 chapter. These rules must include, but are not limited to, rules
5 that prescribe the procedures to be followed by school
6 administrative units and school boards in providing enrollment
7 options and procedures for families and students exercising the
8 enrollment options provided by this chapter. Rules adopted
9 pursuant to this subsection are minor technical rules pursuant to
10 Title 5, chapter 375, subchapter II-A.

11 **§5306. Restrictions**

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

23 **§5307. Special education cost limitation**

24
25 The cost to a nonresident unit to educate a nonresident
26 student eligible for approved special education services pursuant
27 to chapter 303 is limited to the state average elementary tuition
28 rate for an elementary school student or the state average
29 secondary tuition rate for a secondary school student. Approved
30 special education costs in excess of the appropriate state
31 average tuition rate must be paid by the resident unit. A
32 representative of the resident unit with authorization to
33 obligate the resident unit's fiscal resources and ensure
34 provision of special education and supportive services must
35 participate in the student's pupil evaluation team meetings and
36 development of the student's individualized education plan.

37 **§5308. Review**

38
39
40
41 1. Review; report. The commissioner, with assistance from
42 the state board, shall conduct a review of the results of the
43 enrollment options program following operation of the program for
44 5 school years. The commissioner shall submit a report and any
45 recommendations to the joint standing committee of the
46 Legislature having jurisdiction over education and cultural
47 affairs by December 15th of the following school year.

48
49 2. Repeal. This chapter is repealed July 1, 2002.

50
51 Sec. 2. 20-A MRSA §15608, sub-§1, as enacted by PL 1983, c.
52 859, Pt. G, §§2 and 4, is amended to read:

2 The bill prohibits a school administrative unit that does
4 not maintain one or more grades from kindergarten to grade 12 and
6 has not contracted with another school administrative unit for
8 school services from participating in the enrollment options
10 program. The enrollment options program does not restrict the
right of a school administrative unit to contract with another
school administrative unit to provide school services or the
right of a school administrative unit to receive tuition payment
for educating a student from another school administrative unit.

12 The bill restricts the special education costs that must be
14 borne by a school administrative unit that accepts a nonresident
16 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
18 must be paid by the sending school administrative unit. The bill
requires a representative of the sending school administrative
20 unit to participate in all meetings concerning provision of
special education services to the student.

22 The bill establishes a review of the enrollment options
24 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 bill also changes a
26 definition in the Maine Revised Statutes, Title 20-A to clarify
funding for students who participate in the enrollment options
28 program.

30 Each school district superintendent is required to send to
32 the Department of Education information about the number of
requests for transfer into that district and the outcome of those
34 requests.