

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 632, L.D. 857, "Resolve, to Determine the Appropriate Tuition Rate for Public High School Students Who Live in a Municipality without a High School"

Amend the amendment by striking out the substitute title and replacing it with the following:

'Resolve, to Require the Department of Education to Review the Methods Used to Determine the Tuition Rates of a Receiving School for a Student from Another School District'

Amend the amendment by striking out everything after the title and before the summary and inserting in its place the following:

'Further amend the resolve by striking everything after the title and before the summary and inserting in its place the following:

**Emergency preamble. Whereas.** Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation requires the Department of Education to review the methods used to determine the tuition rate of a receiving school for a student from another school district; and

2           **Whereas,** this legislation is necessary as an emergency  
3 measure to afford adequate time for the issues to be  
4 appropriately addressed by the department; and

6           **Whereas,** in the judgment of the Legislature, these facts  
7 create an emergency within the meaning of the Constitution of  
8 Maine and require the following legislation as immediately  
9 necessary for the preservation of the public peace, health and  
10 safety; now, therefore, be it

12           **Sec. 1. Study. Resolved:** That the Department of Education  
13 shall review the current methods used by the State and local  
14 school administrative units to determine tuition reimbursement  
15 rates for students who are educated in a school administrative  
16 unit other than their own or in a private school. In reviewing  
17 tuition reimbursement policies, the department shall examine  
18 school finance and governance issues in public schools,  
19 kindergarten to grade 12, including, but not limited to:

20           A. The affordability, efficiency and fairness of state  
21 tuition reimbursement policies and the options, costs and  
22 benefits of a policy utilizing a maximum allowable tuition  
23 rate instead of an average state share percentage;

24           B. The impact of tuition policies and practices on school  
25 administrative units that have higher operating expenditures  
26 per student than the state reimbursement rate;

27           C. The needs of school administrative units that receive  
28 lower state subsidies and for which tuition rates are higher  
29 than the operating costs;

30           D. The effect of tuition rates with respect to the number  
31 of tuitioned students; capital costs associated with  
32 tuitioned students, including the use of facilities, new  
33 construction or renovation costs, transportation and special  
34 education costs; and the ability of local communities to pay  
35 a fair price for the education of their students;

36           E. The efficiency and fairness of extending to public  
37 schools the insured value factor that private schools  
38 currently receive; and

39           F. The timeliness of the State in determining the tuition  
40 reimbursement rate and the impact on the budget development  
41 process of the local school administrative unit; and be it  
42 further

43           **Sec. 2. Report; recommended legislation. Resolved:** That the  
44 Department of Education shall report its findings and may  
45

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 632,  
L.D. 857

submit any recommended legislation to the Joint Standing  
Committee on Education and Cultural Affairs by January 1, 1998.  
After reviewing the department's report and any accompanying  
legislation, the committee may submit legislation to the Second  
Regular Session of the 118th Legislature; and be it further

**Sec. 3. Budget authorization. Resolved:** That the Commissioner  
of Education shall utilize the department's existing budgeted  
resources to examine and report on the matters pursuant to this  
resolve. The commissioner may accept and administer any outside  
funds contributed to support the work of this study.

**Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved."

### FISCAL NOTE

The amendment eliminates the General Fund cost to the  
Legislature, \$525 in fiscal year 1997-98, by removing those parts  
of the bill that established the Task Force to Determine the  
Tuition Rates of a Receiving School for a Student from Another  
School District.

### SUMMARY

This amendment requires the Department of Education rather  
than the task force to conduct the study.

SPONSORED BY: Michael H. Michaud  
(Senator MICHAUD)

COUNTY: Penobscot