

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1663

S.P. 583

In Senate, March 4, 1999

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**An Act to Restore Fairness and Equity to the Allocation of School Subsidies.**

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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 DAVIS of Piscataquis.  
Cosponsored by Representative BELANGER of Caribou and  
Senators: BENNETT of Oxford, CASSIDY of Washington, FERGUSON of Oxford, LIBBY  
of York, MITCHELL of Penobscot, Representatives: RICHARDSON of Greenville, TOBIN  
of Dexter.

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

2  
4       **Sec. 1. 20-A MRSA §6004, sub-§2, ¶D** is enacted to read:

6       D. A student residing in the school administrative unit who  
8       is enrolled in an approved equivalent instruction program at  
10       a private school or through home instruction must be counted  
12       in the school administrative unit in which that student  
14       resides.

16       **Sec. 2. 20-A MRSA §15607, sub-§11**, as amended by PL 1987, c.  
18       850, §§2 and 5, is further amended to read:

20       **11. Appropriation for nonpublic school services.**  
22       Appropriate the necessary funds for reimbursement for nonpublic  
24       school services under section 15613, subsection 4; and

26       **Sec. 3. 20-A MRSA §15607, sub-§12**, as amended by PL 1989, c.  
28       502, Pt. C, §§7 and 8, is further amended to read:

30       **12. Appropriation for special education tuition and costs**  
32       **for out-of-district placements.** Appropriate the necessary funds  
34       for special education tuition under section 15612, subsection  
36       11; and

38       **Sec. 3. 20-A MRSA §15607, sub-§13** is enacted to read:

40       13. Appropriation for enrollment decrease due to private  
42       school and home-schooled student enrollments. Appropriate the  
44       necessary funds for adjustments for enrollment decreases due to  
46       private and home-schooled enrollments under section 15612,  
48       subsection 15.

50       **Sec. 4. 20-A MRSA §15612, sub-§15** is enacted to read:

52       15. Private school and home-schooled student enrollment  
54       adjustment. The following provisions apply to adjustments for  
56       enrollment decreases due to private school and home-schooled  
58       student enrollments.

60       A. Notwithstanding any other provision of this chapter, a  
62       school administrative unit is entitled to receive an  
64       adjustment for students residing in the school  
66       administrative unit who are enrolled in approved equivalent  
68       instruction programs at private schools or through home  
70       instruction.

72       B. School administrative units shall keep an accurate count  
74       of the number of students residing in the unit that are  
76       receiving equivalent instruction at a private school or

2 through home instruction and shall include these students in  
3 the annual count of students attending school in accordance  
4 with section 6004, subsection 2, paragraph D.

6 C. The total amount of adjustments received under this  
7 subsection may not exceed the level of funds appropriated  
8 for this item under section 15607, subsection 13.

10 D. The commissioner may adopt or amend rules to ensure that:

12 (1) All adjustments received were utilized and  
13 actually expended for equivalent instruction programs  
14 authorized pursuant to section 5001-A, subsection 3; and

16 (2) No municipality receives reimbursement for a  
17 student who attends school at public expense.

18 Rules adopted pursuant to this paragraph are routine  
19 technical rules pursuant to Title 5, chapter 375, subchapter  
20 II A.

## 22 SUMMARY

24  
26 This bill allows school administrative units to receive an  
27 adjustment in their state subsidy payment for enrollment  
28 decreases due to resident students enrolled in a private school  
29 or through home instruction in an equivalent instruction  
30 program. Under this bill, school administrative units must be  
31 reimbursed for students residing in the unit who are  
32 participating in approved equivalent instruction programs.  
33 School administrative units are required to keep accurate records  
34 of students residing in the unit who are participating in  
35 approved equivalent instruction programs and shall include these  
36 students in the annual count of students attending school in the  
district.