MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1374

H.P. 1009

House of Representatives, March 18, 2003

An Act To Ensure That No Maine Child Is Left behind by Improving the Overall Education of Disadvantaged Children and Complying with New Federal Education Funding Requirements

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

Millicent M. MacFarland MILLICENT M. MacFARLAND Clerk

Presented by Representative GLYNN of South Portland.

Вe	it enacted by the People of the State of Maine as follows:
	Sec. 1. 20-A MRSA c. 112 is enacted to read:
	CHAPTER 112
	CHARTER SCHOOLS
§ 24	111. Charter schools authorized
S+:	Charter schools are authorized as public schools of this ate. Charter schools may be created to meet the learning needs
<u>of</u>	students, to provide academic choices to parents and students,
<u>edı</u>	provide professional opportunities for educators and for other acational purposes. Individual charter schools must be created
<u>by</u>	acts of the Legislature.
693	Sec. 2. 20-A MRSA §2951, sub-§2, as enacted by PL 1981, c. 8, §§5 and 8, is repealed.
	Sec. 3. 20-A MRSA §5205, sub-§6, as amended by PL 1991, c.
365	5, §2, is further amended to read:
ı.	6. Transfer students. The following provisions apply to
and	ansfers of students from one school administrative unit to other or between a school administrative unit and a private mool approved for tuition purposes under section 2951.
	A. Two Except as provided in subsection 9, 2
	superintendents may approve the transfer of a student from one school administrative unit to another or a
	superintendent and the headmaster of a private school approved for tuition purposes under section 2951 may approve
	the transfer of a student between the 2 schools if the school to which transfer is sought is within 50 miles of the
	school to which transfer is sought is within 50 miles of the school the student currently attends and:
	(1) They find that a transfer is in the student's best
	interest; and
	(2) The student's parent approves.
	The superintendents or superintendent and headmaster shall notify the commissioner of any transfer approved under this
	paragraph.
	B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review
	the transfer. The commissioner's decision shall be final and binding.

C. The superintendents or superintendent and headmaster shall annually review any transfer under this subsection.

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D. For purposes of the state school subsidy, in the case of a transfer of a student from one school administrative unit to another, a student transferred under this subsection is considered a resident of the school administrative unit to which transferred. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage subsidized educational costs for that student equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. the parent or legal guardian does not reside in the State or can not be located or in the case of a transfer to a private school approved for tuition purposes under section 2951, the subsidy is the state average subsidy.

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E. A school administrative unit or private school approved for tuition purposes under section 2951 may not charge tuition for a transfer approved under this subsection.

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Sec. 4. 20-A MRSA §5205, sub-§9 is enacted to read:

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9. Educationally disadvantaged students from low-performing public schools. In accordance with subsection 6, superintendents or a superintendent and the headmaster of a private school approved for tuition purposes under section 2951 shall approve the transfer of a student from one public school to another or from a public school to a private school approved for tuition purposes under section 2951 if the student has failed to meet state academic and student achievement standards and the school from which the student is applying to transfer has failed to achieve adequate yearly progress and the school to which the student is applying to transfer has achieved adequate yearly progress. For the purposes of this subsection, the terms "state academic and student achievement standards" and "adequate yearly progress" have the same meaning as in the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70, Subchapter I.

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Sec. 5. Implementation. In carrying out this Act, the Department of Education is guided by the following principles.

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1. Child's best interests. Parents are best equipped to make decisions for their child, including choosing the educational setting that best serves the educational needs and interests of that child.

- 2. Right to quality education. Parents of children attending proven underperforming schools have a right to send their children to schools that have demonstrated a higher level of educational performance, whether those are public schools or private schools approved for tuition purposes.
 - 3. Expanding educational options. In areas of the State where public school choice is limited, the possibility of attending a quality private school approved for tuition purposes provides a necessary educational option to parents and their children while underperforming public schools improve their effectiveness. Private school choice provided under this Act is consistent with the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70, Subchapter I.

4. Home schooling not impacted. This Act does not apply to home schooling or home schools.

SUMMARY

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This bill proposes several changes in law to improve school choice in order to address the educational needs of a wider range The bill provides for the establishment of charter of students. schools that may serve the unique educational needs of students by act of the Legislature. The bill also expands the current law governing transfer of students between public schools through the process known as "superintendents' agreement" to include a wider range of public schools and to include transfers between public schools and private schools approved for tuition purposes. transfers are required under the bill if the student has failed to meet state academic and student achievement standards and the school from which the student requests to transfer has failed to make adequate yearly progress as defined in the federal No Child Left Behind Act of 2001 and the school to which transfer is sought has met those standards. The bill also increases the number of private schools eligible for student transfer by removing the requirement that private schools be nonsectarian in order to be eliqible for tuition payment. Finally, the bill establishes principles to guide the Department of Education in implementing the law. The bill does not apply to homeschooling or homeschooled students.