

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1325

H.P. 933

House of Representatives, March 12, 2007

An Act To Ensure Adequate Funding for Students of Alternative Schools

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WALKER of Lincolnville.
Cosponsored by Senator WESTON of Waldo and
Representatives: EDGECOMB of Caribou, MAKAS of Lewiston, MUSE of Fryeburg,
NORTON of Bangor, SILSBY of Augusta, STRANG BURGESS of Cumberland, Senator:
BOWMAN of York.

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

2 **Sec. 1. 20-A MRSA §5104-A**, as enacted by PL 1989, c. 415, §31, is amended to
3 read:

4 **§5104-A. Alternative programs outside the school administrative unit**

5 **1. Alternative programs in another school administrative unit.** If the
6 superintendents approve, a school administrative unit may enroll a student in an
7 alternative program in another school administrative unit ~~or in an approved private~~
8 ~~alternative program.~~

9 **1-A. Alternative programs in an approved private school.** If the governing board
10 of an approved private school approves, a student may enroll in an approved private
11 alternative program outside the school administrative unit in which the student resides.

12 **1-B. Notification.** Upon enrollment of a student properly approved for enrollment
13 under subsection 1 or subsection 1-A, the governing board of the receiving school
14 administrative unit or approved private school shall provide written documentation of the
15 student's enrollment date to the governing board of the school administrative unit where
16 the student resides.

17 **2. Student count.** A student properly approved for enrollment under subsection 1
18 ~~shall~~ or subsection 1-A must be counted as a 1.0 student on school administrative unit
19 counts for each semester, or its equivalent, of alternative program.

20 **2-A. Funding.** Notwithstanding section 5204, subsection 1, funding for a student
21 properly approved for enrollment under subsection 1 or subsection 1-A must be provided
22 as follows.

23 A. The school administrative unit that enrolls a student in an alternative program
24 outside the school administrative unit under subsection 1 shall provide an amount
25 equal to the school administrative unit's state contribution and local contribution to
26 the EPS per-pupil rate to the alternative program outside the school administrative
27 unit.

28 B. The school administrative unit that formerly enrolled a student that has been
29 properly enrolled in an approved private alternative program under subsection 1-A
30 shall provide an amount equal to the school administrative unit's state contribution
31 and local contribution to the EPS per-pupil rate to the approved private alternative
32 program.

33 C. The amount provided by the school administrative unit in accordance with
34 paragraph A or B must be transferred on the first day of the semester or quarter
35 following the student's enrollment date. The amount provided by the school
36 administrative unit must be prorated for the term of the student's enrollment in the
37 alternative program. Transfer of funds must continue for each term that the student is
38 enrolled in the alternative program, except that funding may not exceed 4 years of
39 alternative education.

1 **3. Rules.** The commissioner shall adopt rules ~~in accordance with the Maine~~
2 ~~Administrative Procedure Act, Title 5, chapter 375,~~ to administer this section. Rules
3 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
4 chapter 375, subchapter 2-A.

5

SUMMARY

6 This bill amends the existing statutes to clarify the responsibility for funding
7 alternative education programs, including private programs, for public school students
8 who enroll in alternative education programs outside the school administrative units in
9 which they reside.