

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 electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1854

H.P. 1372

House of Representatives, March 8, 2012

An Act To Expand Educational Opportunities for Maine Students

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative JOHNSON of Greenville. (GOVERNOR'S BILL)

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

2 **PART A**

3 **Sec. A-1. 20-A MRSA §2701**, as amended by PL 1985, c. 797, §17, is further
4 amended to read:

5 **§2701. Authority to contract for school privileges**

6 The legislative body of a school administrative unit other than a school administrative
7 district, ~~which~~ that does not maintain any of the grades from kindergarten to grade 12,
8 may authorize its school board to contract with another school for school privileges for all
9 or a part of its resident students in those grades for a term of 2 to 10 years. A contract
10 entered into under this chapter on or after August 1, 2012 may not prohibit a student
11 residing in the sending school administrative unit from enrolling in an open enrollment
12 school under section 5207.

13 **Sec. A-2. 20-A MRSA §5205, sub-§9** is enacted to read:

14 **9. Transfer of open enrollment students.** A student who enrolls pursuant to
15 section 5207 in an open enrollment school that is a public school is deemed to be a
16 resident of the school administrative unit in which the school is located and that student is
17 included in the count of subsidizable pupils of the open enrollment school's school
18 administrative unit for the purposes of chapter 606-B. Upon the first October 1st count of
19 subsidizable pupils for which a student is enrolled in an open enrollment school pursuant
20 to section 5207, the count of subsidizable pupils for the immediately prior April 1st must
21 be adjusted to reflect the transfer of the student to the open enrollment school's school
22 administrative unit by adding the count to the open enrollment school's school
23 administrative unit and removing the count from the school administrative unit from
24 which the student was enrolled on that April 1st. As used in this subsection,
25 "subsidizable pupils" has the same meaning as in section 15672, subsection 32.

26 **Sec. A-3. 20-A MRSA §5207** is enacted to read:

27 **§5207. Maine Open Enrollment Program**

28 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
29 following terms have the following meanings.

30 A. "Eligible school" means a public school, other than a public charter school, and a
31 private school approved for tuition purposes.

32 B. "Open enrollment school" means an eligible school whose governing body has
33 elected to include the school in the program.

34 C. "Open enrollment student" means a student enrolled in an open enrollment school
35 pursuant to this section.

36 D. "Program" means the Maine Open Enrollment Program created in this section.

1 E. "Sending school unit" means the school administrative unit in which the student is
2 entitled to enroll pursuant to section 5202.

3 **2. Program created.** The Maine Open Enrollment Program is created to expand the
4 publicly funded educational opportunities available to students in the State.

5 **3. Decision to participate in the program.** The governing body of an eligible
6 school may elect to participate in the program by designating that school as an open
7 enrollment school.

8 A. Prior to making an election under this subsection, the governing body shall
9 determine:

10 (1) The limits, if any, on the grades or programs in which students will be
11 offered enrollment opportunities;

12 (2) Whether it will provide or arrange for transportation for open enrollment
13 students;

14 (3) The policy on enrollment of students who are expelled from their sending
15 school units;

16 (4) The process by which the school or the governing body will determine how
17 many openings are available, age eligibility for the openings, when the number of
18 openings will be determined and how it will provide public notice of the
19 openings; and

20 (5) The selection process, which must be random, that will be used pursuant to
21 subsection 8 to determine enrollment if the number of students seeking
22 enrollment exceeds the number of openings available in a grade or program.

23 B. The governing body of an open enrollment school may elect to end the
24 participation of the school in the program. Ending participation means that a school is
25 no longer accepting applications for open enrollment, but a student enrolled in the
26 school under this section prior to the effective date of the end of participation retains
27 the right to enroll in the school until completion of the educational program at the
28 school.

29 **4. Annual determination of openings; notice of openings and cost.** An open
30 enrollment school or its governing body shall annually determine and publicize the
31 number and types of openings available at the school under the program. The school shall
32 make available to the public information about its curriculum and policies that govern
33 students in the school. Before accepting applications, an open enrollment school that is a
34 private school shall publicize the school's cost for tuition and fees, and the amount of
35 tuition that will be paid by the sending school unit.

36 **5. Eligible students.** The following students are eligible to apply to enroll under this
37 section in an open enrollment school:

38 A. With regard to enrollment in a public school, a student who resides in the State,
39 but whose residence pursuant to section 5202 is outside the boundaries of the public
40 school's school administrative unit; and

1 B. With regard to enrollment in a private school approved for tuition purposes, a
2 student who resides in the State, but who is not entitled to attend that private school at
3 public expense pursuant to section 5203 or 5204.

4 **6. Application process.** An open enrollment school shall establish an application
5 deadline between March 1st and March 21st. A student eligible to participate under
6 subsection 5 may submit an application to one or more open enrollment schools for
7 enrollment in the following school year. The department shall provide a uniform
8 application form to be used in this process. An open enrollment school shall notify a
9 student not later than April 21st of the student's eligibility to enroll in that open
10 enrollment school. The open enrollment school shall notify a student's sending school
11 unit of the student's enrollment in the open enrollment school within 10 school days of
12 receiving a student's commitment to enroll in the open enrollment school.

13 **7. Enrollment basis.** Enrollment in an open enrollment school under this section
14 may not be granted or denied on the basis of a student's intellectual, academic, artistic or
15 athletic ability or on any basis that would violate state or federal laws prohibiting
16 discrimination.

17 A. An open enrollment school may refuse to enroll a student who is expelled from
18 the student's sending school unit during the application period for the open
19 enrollment school.

20 B. Students whose enrollment privileges are provided by sections 5202 to 5206 and
21 the siblings of students who are enrolled in an open enrollment school at the time of
22 the siblings' application are entitled to enroll in the open enrollment school before any
23 other student applying to enroll in the open enrollment school under this section.

24 **8. Random selection process.** If the number of students submitting applications by
25 the deadline under subsection 6 exceeds the number of openings in a grade or program,
26 an open enrollment school shall select students for that grade or program by lottery or
27 other random selection process. The selection process must be conducted in public, after
28 at least one week's public notice. The school shall record the names of students in the
29 order selected until all names have been selected. Students selected after the openings are
30 filled are placed on a waiting list in the order selected and may be offered enrollment, if
31 openings become available, up to the end of the first week of the school year.

32 **9. Continued enrollment; change in residence.** A student enrolled under this
33 section in an open enrollment school that is a public school is a resident of the open
34 enrollment school's school administrative unit for purposes of this Title and remains a
35 resident of the unit until:

36 A. The student graduates from the open enrollment school;

37 B. The student enrolls in a different open enrollment school;

38 C. The student's residence as determined under section 5202 changes and the
39 student's parents elect to have the student's residence determined under section 5202
40 rather than this section; or

41 D. The student's residence is transferred pursuant to section 5205, subsection 6.

