

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1227

H.P. 888

House of Representatives, March 14, 2019

**An Act To Allow Parents To Apply to the Commissioner of
Education To Enroll Their Children in a Receiving School
Administrative Unit and To Remove Limitations on Which Students
May Be So Enrolled**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANLEY of Pittston.
Cosponsored by Senator FARRIN of Somerset and
Representatives: CAMPBELL of Orrington, GRIFFIN of Levant, LOCKMAN of Bradley,
Senator: CYRWAY of Kennebec.

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

2 **Sec. 1. 20-A MRS §254, sub-§19**, as enacted by PL 2015, c. 448, §1, is
3 amended to read:

4 **19. Designation of school to enroll students.** The commissioner may designate a
5 school administrative unit as the receiving school administrative unit for ~~any~~ student
6 ~~who resides in a school administrative unit that neither maintains a school nor contracts~~
7 ~~for school privileges pursuant to chapter 115 and is unable to find a school administrative~~
8 ~~unit willing to enroll the student in one of its schools, upon a written request from the~~
9 ~~superintendent of the school administrative unit where the student resides setting forth the~~
10 ~~student's circumstances giving rise to the request. Upon written request by the student's~~
11 ~~parent or guardian for a change of enrollment for any reason to any other school~~
12 ~~administrative unit submitted to the superintendent of the school administrative unit~~
13 ~~where the student resides, the superintendent shall submit a written request to the~~
14 ~~commissioner for designation.~~

15 A. If the commissioner makes a designation under this subsection, the school
16 administrative unit where the student resides shall pay tuition for that student to the
17 receiving school administrative unit as calculated in accordance with this subsection
18 and chapter 219.

19 B. If a student subject to a designation under this subsection is receiving special
20 education services, the receiving school administrative unit designated by the
21 commissioner under this subsection is responsible for providing a free, appropriate
22 public education to the student, subject to the provisions of this subsection. The
23 receiving school administrative unit shall invite the school administrative unit where
24 the student resides to participate in individualized education program team meetings
25 for the student, but the authorized representative of the receiving school
26 administrative unit shall make the decision on any issue on which consensus is not
27 reached. The school administrative unit where the student resides shall, in addition to
28 tuition payable pursuant to chapter 219, pay to the receiving school administrative
29 unit:

30 (1) Special education tuition;

31 (2) Any costs not included in the computation of special education tuition
32 directly related to the student's special education program; and

33 (3) Any costs associated with due process proceedings in connection with the
34 student's special education program.

35 C. Once the commissioner makes a designation under this subsection, the student
36 must be enrolled in the receiving school administrative unit. If dissatisfied with the
37 commissioner's decision, the superintendent of the school administrative unit where
38 the student resides or the superintendent of the receiving school administrative unit
39 may, within 10 calendar days of the commissioner's decision, request that the state
40 board review the designation. The state board shall review the commissioner's
41 determinations and communicate with the commissioner, the superintendents and the
42 parent of the student. The state board may approve or disapprove the designation.

1 The state board shall make a decision within 45 calendar days of receiving the
2 request and shall provide to the commissioner, the superintendents and the parent of
3 the student a written decision describing the basis of the state board's determination.
4 The state board's decision is final and binding.

5 **Sec. 2. 20-A MRSA §1001, sub-§8**, as amended by PL 2015, c. 448, §2, is
6 further amended to read:

7 **8. Operate public preschool programs, kindergarten and grades one to 12.** They
8 shall either operate programs in kindergarten and grades one to 12 or otherwise provide
9 for students to participate in those grades as authorized elsewhere in this Title. To the
10 extent the State provides adequate start-up funding, they may operate public preschool
11 programs or provide for students to participate in such programs in accordance with the
12 requirements of this Title. They shall determine which students attend each school,
13 classify them and transfer them from school to school where more than one school is
14 maintained at the same time. ~~If a school administrative unit neither maintains a school
15 nor contracts for school privileges pursuant to chapter 115 and a student who resides in
16 the school administrative unit is unable to enroll in another school administrative unit, the
17 school board shall direct the superintendent of the school administrative unit where the
18 student resides to make a written request to the commissioner to designate a place of
19 enrollment for the student, pursuant to section 254, subsection 19.~~

20 **SUMMARY**

21 Current law allows the superintendent of a school administrative unit that neither
22 maintains a school nor contracts for school privileges to request the Commissioner of
23 Education to designate a school administrative unit as the receiving school administrative
24 unit for a student who is unable to find a school administrative unit willing to enroll the
25 student in one of its schools.

26 This bill allows any student's parent or guardian to make a request for any reason to
27 the Commissioner of Education for the student to be transferred. Upon the
28 commissioner's approval, the student must be enrolled in the receiving school
29 administrative unit.