

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 112

H. P. 348

House of Representatives, January 27, 1937.

Referred to Committee on Education. Sent up for concurrence and 2500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gyger of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

**AN ACT To Guarantee a Minimum Educational Program and to Provide
for the Equalization of Educational Opportunity for the Youth of the
State of Maine.**

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

Sec. 1. R. S., c. 19, § 16, amended. Section 16 of chapter 19 of the revised statutes is hereby amended to read as follows :

'Sec. 16. Towns to raise money for schools; expenditure. Every town shall raise and expend, annually, for the support of common schools therein, exclusive of ~~the income of any corporate school fund, or of any grant~~ from the revenue or fund from the state, or of any voluntary donation, devise, or bequest, or of any forfeiture accruing to the use of schools, ~~not less than eighty cents for each inhabitant, according to the census by which representatives to the legislature were last apportioned,~~ and inclusive of the income of any corporate school fund and inclusive of any amount received from the state from interest on lands reserved, not less than \$391.50 for each teaching unit and an amount equal to $\frac{1}{2}$ the amount paid for transportation and board of elementary school pupils for the preceding school year, under penalty of forfeiting not less than twice

nor more than 4 times the amount of its deficiency. ~~and~~ All moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing in this section shall be so construed as to annul, or render void, the provisions made in section 21 of this chapter for the establishment and maintenance of union schools by adjoining towns.'

Sec. 2. R. S., c. 19, § 22, amended. Section 22 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Purposes for which school fund shall be used; parent or guardian may provide text-books; second-hand books not to be purchased; penalty. Towns shall expend the entire amount of the school fund received from the state together with the amount arising from the ~~eighty cents per capita funds raised~~ as provided in section 16 of this chapter, and the funds arising from the various sources enumerated in ~~the first four lines of~~ said section, and the funds arising from the provisions of section 17 of this chapter, for the payment of teachers' wages and board, fuel, janitor's services, conveyance of scholars, and tuition and board of scholars as provided in section 2 and section 78 of this chapter and shall provide schoolbooks, apparatus, and appliances for the use of pupils in the public schools, including all free high schools, **insurance on the buildings, if any, maintenance of schoolyards and playgrounds and incidental repairs to buildings** at the expense of said town; and shall also pay for the necessary **major** repairs of school buildings and the ~~insurance on the same, if any,~~ improvement and **maintenance equipment** of schoolyards and playgrounds out of a sum or sums of money raised and appropriated for that purpose, which shall be assessed like other money and shall be in addition to and independent of the amount which towns are required by law to raise, assess, and expend for the support of common schools; provided, however, that any parent or guardian of any pupil in the public schools may at his own expense procure for the separate and exclusive use of such pupil the text-books required to be used in such schools. No secondhand books shall be purchased for the use of any school; whoever violates this provision shall forfeit not exceeding \$500, to be recovered in an action of debt by any school officer or person aggrieved.'

Sec. 3. R. S., c. 19, § 91, amended. Section 91 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 91. Towns may raise money to maintain free high schools. Towns and precincts may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipments for the same, in the same manner as for supporting common schools and erecting school-houses, **provided, however, that the appropriation for maintenance of any high school shall in no case be less than \$652.50 for each teaching unit, and an amount not less than ½ the amount expended for transportation and board of secondary pupils for the preceding year.'**

Sec. 4. R. S., c. 19, § 93, amended. Section 93 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 93. A youth residing in town not supporting a secondary school may attend such school elsewhere; tuition to be paid by town; free tuition while youth maintains satisfactory standards. Any youth who resides with a parent or guardian in any town which does not support and maintain a standard secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof, provided the said youth shall attend a school or schools whose courses are approved by the ~~state~~ commissioner of education, and in such case the tuition of said youth, not to exceed \$100 annually for any 1 youth, shall be paid by the town in which he resides as aforesaid, and said tuition so paid, shall be made a part of the high school fund of the town receiving the same; and towns shall raise annually, as other school moneys are raised, a sum ~~sufficient to pay such tuition charges;~~ **not less than ½ the amount paid for such tuition for the preceding school year;** provided, however, that no youth shall be entitled to free tuition under the provisions of this section unless he shall have satisfactorily passed an examination in common school branches, said examination having been given under the direction of the superintendent of schools of the town wherein such youth resides, on papers procured from the ~~state~~ commissioner of education, or unless such youth shall have satisfactorily completed a standard common school course of study which has been approved by the ~~state~~ commissioner of education; except that any youth who has satisfactorily completed the course of a B class or junior high school, as provided by section 83, shall be entitled to his free tuition, as hereinbefore provided, for the completion of the 4 years of a standard secondary course without the examination herein prescribed; provided, further, that such free tuition privilege shall continue only so long as said youth shall maintain a satisfactory standard of deportment and scholarship. Any youth who otherwise meets the requirements of this section with reference to admission to secondary schools shall be entitled to the payment of his tuition, as herein provided, in any high school of the

B class or junior high school for such part of the course ~~of~~ **offered by** such high school as may be approved as equivalent in grade to the corresponding years of a standard secondary course. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under the provisions of this section. Any school receiving tuition pupils under the provisions of this section shall provide, without additional charge, all text-books, apparatus, and appliances used by said pupils, subject to the provisions of sections 22 to 24, inclusive, of this chapter.'

Sec. 5. R. S., c. 19, § 165, repealed. Section 165 of chapter 19 of the revised statutes, as amended, is hereby repealed.

Sec. 6. R. S., c. 19, § 166, amended. Section 166 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 166. Instruction in manual training and domestic arts provided for; state aid therefor. The superintending school committee having charge of any free high school or the trustees of any incorporated academy may provide for instruction therein in the principles of the domestic and mechanic arts. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that in any ~~free high school~~ ~~or~~ academy instruction has been furnished during the preceding year in the principles of the mechanic arts, or domestic science, the governor and council shall direct the treasurer of state to pay ~~to the town supporting such free high school, or~~ to the treasurer of such academy, in addition to other state aid if any, a sum not to exceed $\frac{2}{3}$ the total expenditure for instruction in each of said courses; provided, however, that no school shall receive a total in excess of \$750 in any 1 year for the support of said courses; and provided, that state aid shall not be allowed for any course which has an average attendance of less than 12 students; and, provided further, that such aid shall not be granted unless the course of study, equipment, and qualifications of instructors shall first have been approved by the ~~state~~ commissioner of education.'

Sec. 7. R. S., c. 19, §§ 168, 183, repealed. Sections 168 and 183 of chapter 19 of the revised statutes are hereby repealed.

Sec. 8. R. S., c. 19, § 202, amended. Section 202 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 202. State school fund, for maintenance and support of elementary and secondary schools, how created. A tax of $3 \frac{1}{3}$ mills on a dollar shall annually be assessed upon all the property in the state according to the value thereof and said tax shall be assessed and collected in the same

manner as other state taxes and be paid into the state treasury. To the fund resulting from said tax the treasurer of state annually shall add the income from the permanent school fund, as provided by law, and a sum equal to $\frac{1}{2}$ the amount received by the state from the tax on the franchises of savings banks and on the deposits of trust and banking companies, ~~as provided by law together with such amounts from the general fund of the state as shall be necessary to make up the amount required to be paid to each town as provided by sections 206, 207, 208, and 210 of this chapter.~~

The sum total of the amount so assessed, ~~and~~ collected ~~and credited from the general fund of the state~~ shall be designated the state school fund and after the deduction therefrom of all funds and appropriations which the treasurer of state is authorized by law to deduct, the balance shall be distributed among the several cities, towns, and plantations of the state in the manner provided for by sections 202 to 216 to be expended by said cities, towns, and plantations for the maintenance and support of elementary and secondary schools established and controlled by them.'

Sec. 9. R. S., c. 19, § 203, amended. Section 203 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 203. Terms defined. For the purposes of sections 202 to 216 the following terms are defined:

The term "elementary school" shall be understood to include that part of the school organization of a town in which is offered a program of studies preceding that offered by a class A high school as defined by section 83.

The term "secondary school" shall be understood to include that part of the school organization of a town offering a program of studies as included in class A high schools or any part thereof as defined by section 83 and as arranged for by the establishment and maintenance of a free high school, a union high school, or by contract with the superintending school committee of an adjoining town or with the trustees of an academy within the town or in an adjoining town as provided for by section 92.

The term "teaching ~~positions~~ **unit**" shall be understood to mean ~~a positions~~ in elementary and secondary schools filled by ~~a classroom teachers, assistant classroom teachers, school principals, school nurses, supervisors, assistants to assistant supervisors, clerical assistant, and a teachers~~ of special subjects, except when any such ~~position~~ **unit** is used as a basis for payment of state aid under the provisions of the laws encouraging ~~industrial, vocational, and physical~~ education, or when any such position is filled by a person devoting less than half of the school day to the duties of such position ~~together with the expenses incident to the work of such~~

unit. Provided, however, that the number of teaching ~~positions~~ **units** in a secondary school shall be reckoned in ~~such~~ ratio to the actual number of such ~~positions~~ **units** as the aggregate attendance of pupils residents of the town is to the aggregate attendance of all pupils regularly enrolled in the school and provided, further, that a teaching ~~position~~ **unit** in an elementary or a secondary school maintained for any part of the school year shall be reckoned in ~~such~~ ratio to a complete ~~position~~ **unit** as the number of weeks which the ~~position~~ **unit** was maintained is to the number of weeks schools of the town were maintained.

The term "school census" shall be understood to mean the number of persons between the ages of 5 and 21 years as provided for by section 56.

The term "aggregate attendance" shall be understood to include the total number of days of attendance for any one school year of each regularly enrolled pupil resident of the town in elementary and secondary schools; provided that the attendance of each pupil present on the day preceding shall be counted for each school holiday within any school term, for each day of the school year when there is no session of school because of absence of the teacher in attendance on teachers' meetings, as provided by law, and for not more than 1 day in each term when there is no session of school because of the absence of the teacher in visiting other schools when so authorized by the superintending school committee.'

Sec. 10. R. S., c. 19, § 204, amended. Section 204 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 204. State auditor to report to state commissioner of education July 1st; state commissioner to make apportionment and report to governor and council amounts to be paid towns in December. On the 1st day of July, annually, the state ~~auditor~~ **controller** shall report to the ~~state~~ commissioner of education the amount of the state school fund and all deductions therefrom provided for by law, and the ~~state~~ commissioner of education shall apportion said state school fund **together with such sum added to and made a part thereof from the general fund of the state as shall be necessary to comply with the provisions of section 206, 207, 208 and 210,** to the several cities, towns, and plantations in the manner provided for by law and shall transmit a report of said apportionment to the governor and council. Upon approval of said report by the governor and council there shall be paid to the treasurer of said towns in December, annually, the amounts so apportioned.'

Sec. 11. R. S., c. 19, § 205, amended. Section 205 of chapter 19 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 205. Deductions from state school fund. In addition to the other funds and appropriations provided for by law to be deducted from the state school fund there shall also be apportioned such sums as may be required for payment to towns for reimbursement of tuition in secondary schools as provided in section 206, an amount sufficient to cover the obligation of the state for industrial education under sections 163, 164 and 166; such amounts as may be required to cover the obligations of the state for teachers' pensions under sections 219 to 226, inclusive; such amounts as may be required to cover the obligations of the state under the teachers' retirement act under section 238; such sums as may be required for payment to towns on account of teaching units as provided for by section 207; and such sums as may be required for payment to towns on account of transportation and board of pupils as provided for by section 208.'

Sec. 12. R. S., c. 19, § 206, amended. Section 206 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 206. Reimbursement to towns for tuition for pupils attending secondary schools. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section 93, the superintendent of schools of such town shall make a return under oath to the ~~state~~ commissioner of education before the 1st day of September, annually, for the preceding school year, stating the name of each pupil for whom tuition has been paid, the amount paid by the town for each, and the name and location of the school which each has attended. Upon the approval of said return the ~~state~~ commissioner of education shall apportion to such town a sum equal to ~~two thirds~~ $\frac{1}{2}$ the amount thus paid by such town. Provided, further, that tuition for such pupils may be paid by towns to an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil, but such payment by any town shall not exceed \$100 for any pupil for any 1 year, and reimbursement to any town for any 1 year shall not exceed ~~seven hundred dollars~~ **the amount which would be apportioned to a town maintaining a high school meeting the minimum standards for approval and with an enrollment comparable to the number of tuition pupils for whom the town is to receive reimbursement on the basis of tuition paid.** Provided, further, that any town not maintaining a high school may pay tuition for any student who with parents or guardian, resides in said town and who attends an approved school of secondary grade in a town adjacent to the state of Maine in another state, when distance and transportation facilities make attendance in a Maine high school or academy inexpedient.

Provided, however, that when pupils are sent from one city, town, or plantation to another, any accounts for tuition of such pupils shall become due and payable on the 30th day of June, at the end of that school year; if such accounts be not paid on or before the 1st day of September of that year, the commissioner of education shall pay such accounts, or so much thereof as he shall find to be rightly due, to the receiving city, town, or plantation, at the next regular annual apportionment, together with interest on such accounts at the rate of 6% annually, computed from said 1st day of September; and the commissioner of education shall charge any such payment against the apportioned fund of the sending city, town, or plantation.'

Sec. 13. R. S., c. 19, § 207, amended. Section 207 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 207. Apportionment to towns for teaching units. On the basis of information furnished to the state commissioner of education by the return of educational statistics for the year ending July 1st, annually, as provided for by section 58, said state commissioner shall apportion to each town the sum of ~~one hundred dollars~~ \$391.50 for each teaching ~~position unit~~, or a corresponding fractional part of ~~one hundred dollars~~ \$391.50 for each fractional part of a teaching ~~position unit~~ maintained in the elementary ~~schools and secondary schools of such town~~ and the sum of \$652.50 for each teaching unit or a corresponding fractional part of \$652.50 for each fractional part of a teaching unit maintained in the secondary schools of such town.'

Sec. 14. R. S., c. 19, § 208, amended. Section 208 of chapter 19 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 208. Apportionment on basis of transportation and board of pupils. On the basis of information furnished to the commissioner of education by the return of educational statistics for the year ending July 1, annually, as provided for by section 58, said commissioner shall apportion to said town a sum equal to $\frac{1}{2}$ the amount expended by said town for the transportation of pupils for the preceding year, provided, however, that the amount so apportioned shall in no case exceed $\frac{1}{2}$ of an average expenditure of \$30 per pupil per year for transportation; and provided further that the commissioner of education shall also apportion to each town a sum equal to $\frac{1}{2}$ the amount paid by such town for the board of pupils, said amount in no case to exceed $\frac{1}{2}$ an average expenditure of \$30 per year per pupil for the board of elementary pupils or of \$150 per year per pupil for secondary pupils.'

Sec. 15. R. S., c. 19, § 209, repealed. Section 209 of chapter 19 of the revised statutes is hereby repealed.

Sec. 16. R. S., c. 19, § 210, amended. Section 210 of chapter 19 of the revised statutes, as amended, is hereby further amended by repealing paragraphs I, II, III and V; also by repealing chapter 33 of the public laws of 1935 (allocated as paragraph VI, and herein made a part of section 206); and also by changing Roman numeral IV to Roman numeral I, and amending said paragraph; and by adding a new paragraph to be numbered II, so that said section, as amended, shall read as follows:

'Sec. 210. Apportionment to towns for equalization of the burden of school support. ~~The school equalization fund shall be apportioned by the state commissioner of education to the towns qualified to receive aid from said fund as follows:~~ I. Whenever any town through its superintendent or superintending school committee shall submit to the state commissioner of education a definite plan for consolidation of schools, conveyance of pupils, housing of teachers, standardization of schools, or other projects especially worthy of encouragement, said state commissioner shall investigate such plan and upon approval of the same may recommend to the governor and council the payment to such town of an amount, not exceeding \$500 in any one year, as an encouragement to such plan or project, provided, however, that the total amount available for aid under this paragraph shall not exceed ~~ten per cent of the equalization fund.~~ \$10,000 in any one year.

II. Whenever a town shall have made appropriations for the support of schools in accordance with the provisions of sections 16, 91 and 93, and the resulting tax rate for school maintenance shall be in excess of 11 mills on the valuation published by the bureau of taxation for that year, the commissioner of education shall apportion to said town from the school funds of the state a sum equal to the amount by which the necessary appropriation exceeds the proceeds of the 11 mill tax.'

Sec. 17. R. S., c. 19, § 212, amended. Section 212 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 212. How state school funds may be expended by towns. Amounts received by the towns from the state school fund may be expended by said towns, in conjunction with such funds as the towns shall raise and appropriate, for the following purposes in both elementary and secondary schools: the payment of teachers' wages and board, fuel, janitors' services, conveyance, tuition and board of pupils, text-books, reference books, ~~and~~ school

supplies for desk or laboratory use, **insurance, if any, maintenance of school-yards, and playgrounds, and incidental repairs on the buildings.** The unexpended balance of all moneys raised by towns or received from the state for the above purposes shall be credited to the school resources for the year following that in which said unexpended balance accrued.'

Sec. 18. R. S., c. 19, § 213, repealed. Section 213 of chapter 19 of the revised statutes is hereby repealed.