

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

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

Legislative Document

No. 412

H. P. 281

House of Representatives, February 4, 1959

Referred to Committee on Education. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hanson of Lebanon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Clarifying Laws Relating to Secondary Schools.

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

Sec. 1. R. S., c. 41, § 99, repealed and replaced. Section 99 of chapter 41 of the Revised Statutes, as amended by section 2 of chapter 369 of the public laws of 1955 and by section 54 of chapter 364 of the public laws of 1957, is repealed and replaced as follows:

‘Sec. 99. Administrative units not obliged to pay tuition; exception. An administrative unit maintaining an approved secondary school as defined in section 98 shall not be required to pay tuition for any pupil, until he has completed that part of the course or the equivalent thereof of said school approved by the commissioner, except as provided by section 107.’

Sec. 2. R. S., c. 41, § 105, repealed and replaced. Section 105 of chapter 41 of the Revised Statutes, as amended by section 1 of chapter 233 of the public laws of 1955 and by section 4 of chapter 369 of the public laws of 1955, and by section 3 of chapter 142 of the public laws of 1957 and by section 59 of chapter 364 of the public laws of 1957 and by sections 17 and 18 of chapter 443 of the public laws of 1957, is repealed and replaced as follows:

‘Sec. 105. Pupils in administrative units having no approved secondary schools. Any administrative unit which does not maintain an approved secondary school may authorize its superintending school committee to contract for one to 5 years with and pay the superintending school committee or school directors of any nearby administrative unit, or the trustees of any academy located within such town or in any nearby town or towns, for the schooling of all or part of the pupils within said administrative unit in the studies contem-

plated by section 98. The school directors of any school administrative district may enter into similar contracts. When such a contract exists, a joint committee may be formed, if approved by a majority vote of both the trustees and the superintending school committee or school directors. Such joint committee shall consist of the superintending school committee or school directors of said administrative unit and an equal number of the trustees of the academy. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction and to formulate and enforce proper regulations pertaining to other educational activities of the school. The superintendent of schools of the contracting administrative unit in which the academy is located shall be secretary ex officio of the joint committee and shall be assigned such supervisory duties in connection with the school as the joint committee shall determine. When an administrative unit has made a contract as provided for in this section, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1, 1907, the tuition liability of said administrative unit shall be the same as if an approved secondary school were maintained in accordance with section 98, and the expenditure of any administrative unit for schooling of pupils as provided in this section shall be subject to the conditions of sections 107 and 108 for the purposes of state subsidy to the administrative unit under the provisions of section 237-E.'

Sec. 3. R. S., c. 41, § 106, repealed and replaced. Section 106 of chapter 41 of the Revised Statutes, as amended by section 5 of chapter 369 of the public laws of 1955 and by section 60 of chapter 364 of the public laws of 1957, is repealed and replaced as follows:

'Sec. 106. State aid. No administrative unit shall receive state aid under the provisions of section 105 if an approved public secondary school is maintained by such administrative unit.'

Sec. 4. R. S., c. 41, § 107, repealed and replaced. Section 107 of chapter 41 of the Revised Statutes, as amended by chapter 252 of the public laws of 1955 and by section 6 of chapter 369 of the public laws of 1955, and by section 61 of chapter 364 of the public laws of 1957 and by section 1 of chapter 377 of the public laws of 1957 and by sections 19 and 20 of chapter 443 of the public laws of 1957, is repealed and replaced as follows:

'Sec. 107. A youth residing in an administrative unit not supporting a secondary school may attend such school elsewhere; occupational courses; tuition; board. Any youth whose parent or guardian maintains a home for his family in any administrative unit which does not support and maintain an approved secondary school may attend any approved secondary school to which he may gain entrance by permission of those having charge thereof. When an administrative unit not maintaining a secondary school has authorized its superintending school committee to contract, or the school directors have decided to contract as provided for in section 105, with the trustees, superintending school committees or school directors of 2 schools, and when the officials of one of these schools refuses to enter a contract, then the superintending school committee or school directors may authorize pupils residing within said administrative unit to attend that noncontracting school and may pay the trustees, superintending

school committee or school directors of the receiving school the legal tuition charge thereof. Any youth whose parent or guardian maintains a home for his family in an administrative unit that maintains, or contracts for school privileges in, an approved secondary school which offers less than 2 approved occupational courses of study, and who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school to which he may gain admission for the purpose of studying an occupational course not offered or contracted for by the administrative unit of his legal residence.

In the case of any youth attending school, under conditions as provided for in the preceding paragraph, in schools in which the enrollment of tuition students is 10% or more of the total enrollment or attending any community high school or administrative district secondary school, the annual tuition shall not exceed 115% of the average cost per pupil in all secondary schools of the State for the preceding fiscal year; except that, in a secondary school in which the enrollment of tuition pupils is less than 10% of the total enrollment or in which at least 3 courses of study, 2 of which are occupational, are not offered, the tuition shall not exceed the average cost per pupil in all secondary schools of the State for the preceding fiscal year. Said tuition shall be paid by the administrative unit in which said youth resides and said tuition shall be payable for the fall term of school on January 1st; for the winter term of school on April 1st; and for the spring term of school on July 1st. Said tuition so paid shall be made a part of the secondary school fund of the administrative unit or academy receiving the same. Administrative units shall raise annually, as other school moneys are raised, a sum sufficient to pay such tuition charges. No youth shall be entitled to free tuition under this section unless he shall have satisfactorily passed an examination in elementary school branches, said examination having been given under the direction of the superintendent of schools of the administrative unit wherein such youth resides on papers procured from the commissioner, or unless such youth shall have satisfactorily completed a standard elementary school course of study which has been approved by the commissioner; except that any youth who has satisfactorily completed the course of study of an approved secondary school in which the program of studies terminated before the 12th grade, as provided by section 98, shall be entitled to his free tuition, for the completion of grades 9 to 12 in an approved secondary school without the examination prescribed. 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 for admission to grade 9 shall be entitled to the payment of his tuition in any approved secondary school offering part or all of the program of grades 9 through 12. Superintendents of schools shall issue certificates of free tuition privilege to persons who may be entitled to free tuition under this section. Any school receiving tuition pupils under this section shall provide, without additional charge, all textbooks, apparatus and appliances used by said pupils, subject to the provisions of sections 34 to 36.

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family, on a Maine coast island

without highway connection with the mainland in any administrative unit not maintaining an approved secondary school, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the administrative unit wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed \$353 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not longer than one school month and shall be charged to the same account as that of secondary school tuition.

Notwithstanding the foregoing, the Town of Cumberland may pay the tuition, and in addition, conveyance or board subject to the regulations of the superintending school committee, of any student whose parent or guardian maintains a home for his family on Chebeague Island, for attendance at any approved secondary school. These expenditures shall be subject to state subsidy under section 237-E.'

Sec. 5. R. S., c. 41, § 161, repealed and replaced. Section 161 of chapter 41 of the Revised Statutes, as amended by section 7 of chapter 369 of the public laws of 1955 and by section 1 of chapter 452 of the public laws of 1955 and by section 49-A of chapter 429 of the public laws of 1957, is repealed and replaced as follows:

'Sec. 161. State to pay tuition in secondary school; board. Any youth whose parent or legal guardian maintains a home for his family in the unorganized territory of this state and who may be judged by the commissioner qualified to enter an approved secondary school may attend any such school in the State to which he may gain entrance by permission of those having charge thereof. In such case the tuition of said youth, not to exceed the same amount towns not supporting and maintaining an approved secondary school are required by law to pay annually for secondary school tuition, shall, provided a satisfactory standard of scholarship and deportment is maintained, be paid by the State under such rules and regulations as may be made by the commissioner.

In the case of any youth qualified for attendance at secondary school in accordance with the provisions of the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family in the unorganized territory, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the State shall pay an amount for this purpose toward his board not to exceed \$353 for the school year or a prorated amount for any fraction thereof. Payment for said board shall be made, upon receipt of a satisfactory attendance record, at the end of periods not less than one school month and subject to such rules and regulations as the commissioner may establish.'

Sec. 6. R. S., c. 41, § 236, repealed and replaced. Section 236 of chapter 41 of the Revised Statutes, as amended by section 9 of chapter 369 of the public laws of 1955 and by section 96 of chapter 364 of the public laws of 1957, is repealed and replaced as follows:

'Sec. 236. Definitions. For the purposes of section 108 and sections 235 to 241, 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 an approved secondary school as defined by section 98.

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 secondary schools or any part thereof as defined by section 98 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 105.

The term "teaching positions" shall be understood to mean positions in elementary and secondary schools filled by classroom teachers, assistant classroom teachers, school principals, school nurses, supervisors, assistants to supervisors and teachers of special subjects, except when any such position is used as a basis for payment of state aid under the provisions of the laws encouraging vocational education, or when any such position is filled by a person devoting less than half of the school day to the duties of such positions. The number of teaching positions in a secondary school shall be reckoned in such ratio to the actual number of such positions as the aggregate attendance of pupils residents of the town is to the aggregate attendance of all pupils regularly enrolled in the school. A teaching position 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 as the number of weeks which the position was maintained is to the number of weeks schools of the town were maintained.

The term "administrative unit" shall include all municipal or quasi-municipal corporations responsible for operating public schools.

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. 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 one 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.

The term "membership" shall mean active participation in the program of a school from the date of enrollment to the time the student withdraws or is absent from the school for 10 consecutive days for reasons other than illness.'

Sec. 7. Effective date. The provisions of this Act shall become effective on July 1, 1960.