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An Act To Provide for the Equitable Reimbursement of Schools Operated by the State in the Unorganized Territory

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 20A, section 3304 allows a school administrative unit to arrange for a student who resides in the school administrative unit to attend a school maintained by the State in the unorganized territory; and

Whereas, the actual per pupil expenditure for a school in the unorganized territory is typically greater than the amount of per pupil tuition charges that the law requires to be paid by a sending school administrative unit for a tuition student who attends a school maintained by the State in the unorganized territory; and

Whereas, the requirements of the current law pertaining to the tuition charges that are provided to a school in the unorganized territory place an undue burden on the property taxpayers in the unorganized territory; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §3304, sub-§1-A, as amended by PL 2005, c. 115, §1, is further amended to read:

1-A. Charges. The per pupil tuition charge must be an amount equal to the state average expenditure per elementary pupil during the preceding year, as determined annually by the commissioner pursuant to section 5804, or the receiving school administrative unit's actual expenditure per elementary pupil for the preceding year as calculated by the commissioner, whichever is less greater.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill provides that the tuition rate that is charged by the Commissioner of Education to a school administrative unit that sends a student to a school maintained by the State in the unorganized territory must be an amount equal to the state average expenditure per elementary pupil as determined by the commissioner pursuant to the Maine Revised Statutes, Title 20-A, section 5804 or the actual expenditure per elementary pupil calculated by the commissioner for the receiving school administrative unit in the unorganized territory, whichever is greater.