

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1424 - L.D. 2109

An Act to Define "Public Education" and Clarify That a Private School Receiving Approval for Public Tuition Must Be Located in the State

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

Sec. 1. 20-A MRSA §1, sub-§23-C is enacted to read:

23-C. Public education. "Public education" means education that:

- A. Is provided primarily at public expense;
- B. Meets all state and federal requirements for education for enrolled students;
- C. Is provided to students for free in every grade level from kindergarten to grade 12;
and
- D. Is provided in accordance with section 1001, subsection 8.

Sec. 2. 20-A MRSA §2951, sub-§3, as amended by PL 1985, c. 797, §25, is further amended to read:

3. Incorporated; located within State. Is incorporated under the laws of the State of ~~Maine or of the United States~~ and, notwithstanding any provision of law to the contrary, if the instructional facility and administrative offices are located within the State;

Sec. 3. 20-A MRSA §15689-F, sub-§3, as amended by PL 2013, c. 581, §11, is further amended to read:

3. Casino revenues. If the annual funding for ~~public education~~ instruction for children in public preschool programs and public education for children in kindergarten and grades one to 12 is supported by casino revenues credited to the department pursuant to Title 8, section 1036, the department shall journal expenditures from the General Purpose Aid for Local Schools, General Fund account to the K-12 Essential Programs and Services, Other Special Revenue Funds account to meet financial obligations and for purposes of cash flow.

Sec. 4. Approval for receipt of public funds by private schools not located within State; students currently enrolled. Notwithstanding the Maine Revised Statutes, Title 20-A, section 2951, subsection 3, a private school that is not located within the State that was approved for tuition purposes pursuant to Title 20-A, section 2951 prior

to the effective date of this Act at which a student from the State is enrolled pursuant to Title 20-A, section 5204, subsection 4 as of the effective date of this Act may continue to receive the tuition rate for that student as calculated pursuant to Title 20-A, section 5806 until the student has completed the student's secondary school education at the private school, as long as the private school continues to meet all requirements for approval under Title 20-A, section 2951 other than the requirements of Title 20-A, section 2951, subsection 3.