

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in subsection 19 by inserting after paragraph B the following:

‘C. Once the commissioner makes a designation under this subsection, the student must be enrolled in the receiving school administrative unit. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the state board review the designation. The state board shall review the commissioner's determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the designation. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the commissioner, the superintendents and the parent of the student a written decision describing the basis of the state board's determination. The state board's decision is final and binding.’

Amend the bill by striking out all of section 4 (page 2, lines 31 to 35 in L.D.) and inserting the following:

‘Sec. 4. 20-A MRSA §2404, sub-§2, ¶G, as enacted by PL 2011, c. 414, §5, is amended to read:

G. AnyA public charter school authorized by a local school board or by a collaborative among local school boards and any noncharter public school converting partially or entirely to a public charter school shall adopt and maintain a policy that gives enrollment preference to pupils who reside within a school administrative unit whose school board authorizes that public charter school or within the former attendance area of that noncharter public school.’

Amend the bill in section 12 in subsection 7 in the 3rd and 4th lines (page 7, lines 6 and 7 in L.D.) by striking out the following: "the school administrative unit that has" and inserting the following: 'the Department of Education as having'

Amend the bill by striking out all of section 13.

SUMMARY

This amendment makes the following changes to the bill.

1. It provides that once the Commissioner of Education makes a designation to enroll a student who resides in a school administrative unit that neither maintains a school nor contracts with another school administrative unit, the student must be enrolled in the receiving school administrative unit designated by the commissioner. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the State Board of Education review the transfer; the state board may approve or disapprove the commissioner's designation.

2. It amends the enrollment preference provision in the public charter school eligibility statute to require, rather than allow, as in the bill, a public charter school authorized by a local school board or by a collaborative among local school boards to give enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the public charter school.

3. It provides that, when the Department of Health and Human Services places a state ward in an out-of-state residential treatment center, the Commissioner of Education may designate the Department of Education as having responsibility for the oversight of the child's individualized education program.

4. It strikes the proposal in the bill that authorizes the Commissioner of Education to provide additional funds to a school administrative unit based on a budgetary hardship resulting from a special education placement.