

## CHAPTER 219

### TUITION

#### **§5801. Acceptance of tuition students**

A school board may decide whether schools in its school administrative unit shall accept tuition students whose parents reside in another school administrative unit. [PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

#### **§5801-A. Acceptance of tuition students; online learning programs (REPEALED)**

#### SECTION HISTORY

PL 2011, c. 353, §1 (NEW). MRSA T. 20-A §5801-A (RP).

#### **§5802. Residents on state-owned property**

The commissioner shall, in accordance with procedures established in section 5401, subsection 6, reimburse a school administrative unit for approved tuition for students who reside on state-owned property. [PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

#### **§5802-A. Pilot project for state wards (REPEALED)**

#### SECTION HISTORY

PL 1989, c. 916, §1 (NEW). PL 2003, c. 689, §B6 (REV). PL 2013, c. 506, §11 (RP).

#### **§5803. Two years' notice**

A school administrative unit which receives tuition students shall give at least 2 years' notice to a sending school administrative unit before discontinuing the acceptance of tuition students. The receiving unit shall file a copy of the notice with the commissioner. If the school board of a receiving unit fails to give a proper 2-year notice, the commissioner may take enforcement action as authorized by section 6801-A. [PL 1985, c. 797, §35 (AMD).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 797, §35 (AMD).

#### **§5804. Elementary school students**

Tuition charged for elementary school students including students who attend public preschool programs must be as follows: [PL 2009, c. 274, §9 (AMD).]

**1. Public schools.** The maximum tuition payments shall not exceed the receiving school administrative unit's per student cost for the preceding year as calculated by the commissioner. The school board of the sending unit may vote to pay a higher tuition rate. [PL 1983, c. 485, §24 (AMD).]

**2. Private schools.** The tuition payment to a private school shall not exceed the average per student cost in all public elementary schools in the State for the previous year as computed by the commissioner.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**3. Debt service factor.** Notwithstanding subsection 1, beginning with the 1999-2000 school year, a school administrative unit may charge a debt service factor for newly incurred capital outlay and debt service, as defined in section 1, subsection 19-A. The debt service factor must be an amount agreed upon by both the sending and receiving units, with the approval of the commissioner, and may not exceed 10% of a school's legal tuition rate per student in any one year. The debt service factor adjustment must be limited to a period of time not to exceed the receiving unit's repayment period for newly incurred capital outlay and debt service. The percentage of the debt service factor must be proportional to the cost of the project and the number of tuition students.

[PL 1997, c. 787, §4 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 485, §24 (AMD). PL 1997, c. 787, §4 (AMD). PL 2009, c. 274, §9 (AMD).

#### §5805. Secondary school students; public schools

Tuition charges for secondary school students in public schools shall be governed by the following.  
[PL 1981, c. 693, §§5, 8 (NEW).]

**1. Computation of tuition rate.** The tuition rate at a public secondary school shall be the sum of all expenditures divided by the number of students. These figures shall be determined as follows.

A. Expenditures shall be all expenditures for public secondary education for the period July 1st to June 30th of the year immediately before the school year for which the tuition charge is computed, except expenditures for:

- (1) Special education;
- (2) Career and technical education;
- (3) Community services;
- (4) Major capital outlay;
- (5) Debt retirement; and
- (6) Tuition and transportation. [PL 1981, c. 693, §§5, 8 (NEW); PL 2005, c. 397, Pt. D, §3 (REV).]

B. The number of students shall be the average number of public secondary pupils enrolled on October 1st and April 1st of the same year. [PL 1981, c. 693, §§5, 8 (NEW).]

C. The figure obtained by using the figures established in paragraphs A and B shall be divided by the average number of secondary students on October 1st and April 1st of the year immediately prior to the year for which the tuition charge is computed. [PL 1981, c. 693, §§5, 8 (NEW).]

D. The tuition rate thus determined shall be adjusted by the average change in public secondary education costs for the 2 years immediately before the school year for which the tuition charge is computed. This adjustment shall be limited to a 6% increase. [PL 1981, c. 693, §§5, 8 (NEW).]  
[PL 1981, c. 693, §§5, 8 (NEW); PL 2005, c. 397, Pt. D, §3 (REV).]

**2. Maximum allowable tuition.** The maximum allowable tuition charge by a public secondary school is the rate computed under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower. The school board of the sending unit may vote to pay a higher tuition rate.

[PL 1997, c. 266, §10 (AMD).]

### 3. **Maine School of Science and Mathematics.**

[PL 1995, c. 368, Pt. LL, §1 (RP).]

**4. Debt service factor.** Notwithstanding subsections 1 and 2, beginning with the 1999-2000 school year, a school administrative unit may charge a debt service factor for newly incurred capital outlay and debt service, as defined in section 1, subsection 19-A. The debt service factor must be an amount agreed upon by both the sending and receiving units, with the approval of the commissioner, and may not exceed 10% of a school's legal tuition rate per student in any one year. The debt service factor adjustment must be limited to a period of time not to exceed the receiving unit's repayment period for newly incurred capital outlay and debt service. The percentage of the debt service factor must be proportional to the cost of the project and the number of tuition students.

[PL 1997, c. 787, §5 (NEW).]

### 5. **Online learning program.**

[PL 2011, c. 353, §2 (NEW); MRSA T. 20-A §5805, sub-§5 (RP).]

## SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1993, c. 706, §A3 (AMD). PL 1995, c. 368, §LL1 (AMD). PL 1997, c. 266, §10 (AMD). PL 1997, c. 787, §5 (AMD). PL 2005, c. 397, §D3 (REV). PL 2011, c. 353, §2 (AMD).

## §5806. **Secondary school students; private schools**

Tuition charges for secondary school students in private schools shall be governed by the following.  
[PL 1981, c. 693, §§ 5, 8 (NEW).]

**1. Private schools.** Tuition rates for a private school shall be computed as provided under section 5805, subsection 1, except that expenditures and number of students shall be based on the expenditures and students of that school.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**2. Maximum allowable tuition.** The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. From school year 2009-2010 to school year 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or \$500 per student, whichever is less, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. For the 2014-2015 school year, a school administrative unit is not required to pay an insured value factor greater than 6% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in the 2015-2016 school year, a school administrative unit is not required to pay an insured value factor greater than the amount of the prior school year's insured value factor adjusted by a percentage equal to the percentage change in the state share percentage of the total cost of funding public education in the prior school year as determined by section 15671, subsection 7, paragraph C as compared to the applicable percentage for the current school year. In no case may the insured value factor be less than 6% or greater than 10% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay an insured value factor that exceeds the amount otherwise permitted by this subsection by no more than 5% of the school's tuition rate per student. For the 2013-2014 school year only, the

maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted under this section by an amount equal to the calculated normal cost of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012.

[PL 2013, c. 497, §1 (RPR).]

**3. Tuition charge above allowable maximum.** A private school may charge tuition above the allowable maximum established in subsection 2, to a maximum excess charge of 15% above the otherwise allowable maximum, in those cases when the private school has a tuition contract with a public school unit or in those cases when the student has an alternative choice for attending secondary school at the allowable maximum tuition rate. The amount above the allowable maximum may be paid in whole or in part by the school administrative unit if the legislative body of the administrative unit votes to authorize its school board to pay a higher tuition rate.

[PL 1987, c. 816, Pt. KK, §16 (AMD).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1987, c. 463 (AMD). PL 1987, c. 816, §KK16 (AMD). PL 2007, c. 539, Pt. C, §2 (AMD). PL 2009, c. 213, Pt. C, §2 (AMD). PL 2009, c. 571, Pt. E, §8 (AMD). PL 2013, c. 368, Pt. C, §3 (AMD). PL 2013, c. 418, §1 (AMD). PL 2013, c. 497, §1 (AMD).

#### **§5807. Cost of removing architectural barriers**

**(REPEALED)**

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2013, c. 506, §12 (RP).

#### **§5808. Schools outside state**

The tuition payment for students educated in whole in another state or country may not exceed the average per pupil cost in all secondary schools of this State. The legislative body of the school administrative unit may vote to authorize its school board to pay a larger tuition rate. [PL 2019, c. 114, §1 (AMD).]

For an out-of-state secondary school that serves a student who resides in a school administrative unit that does not maintain a secondary school, the tuition payment may not be withheld solely because persons regularly employed in that school do not meet the requirements of section 6103, as long as those persons are required to meet background check standards in that state determined by the commissioner to be equivalent to the requirements of section 6103. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 114, §1 (NEW).]

Notwithstanding any other provision of law to the contrary, an out-of-state secondary school that was included on the list of approved out-of-state secondary schools maintained by the department for the 2017-2018 school year must continue to receive tuition payments under this section for any student who was enrolled at that school for the 2018-2019 school year. Tuition payments must continue for such a student until that student graduates or terminates enrollment. [PL 2019, c. 114, §1 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2019, c. 114, §1 (AMD).

#### **§5809. Students enrolled in career and technical educational programs**

Schools receiving tuition students who are enrolled in regular school day career and technical educational programs at career and technical education centers, satellites or career and technical

education regions, under chapter 313, may charge a tuition rate up to 2/3 of the maximum tuition rate as computed under section 5805 or 5806. [PL 2017, c. 420, §1 (AMD).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1991, c. 716, §§6,7 (AMD). PL 1999, c. 75, §4 (AMD). PL 2003, c. 477, §5 (AMD). PL 2003, c. 545, §§5,6 (REV). PL 2017, c. 420, §1 (AMD).

#### §5810. Tuition payments to receiving schools

The following provisions apply to tuition payments. [PL 1981, c. 693, §§5, 8 (NEW).]

**1. Payment date.** Tuition shall be paid within 30 days of the billing date. [PL 1981, c. 693, §§5, 8 (NEW).]

**2. Nonpayment.** If tuition is not paid according to subsection 1, the superintendent of the school administrative unit, or the principal of the private school to whom payment is due, shall inform the commissioner. The commissioner shall pay the tuition due and shall deduct that amount from the state school subsidy to the school administrative unit owing tuition. [PL 1981, c. 693, §§5, 8 (NEW).]

**3. Online program tuition.** [PL 2011, c. 353, §3 (NEW); MRSA T. 20-A §5810, sub-§3 (RP).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2011, c. 353, §3 (AMD).

#### §5811. Students in unorganized territories

**(REPEALED)**

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 490, §18 (RP).

#### §5812. Summer school

The tuition charge for students enrolled in public summer schools shall be calculated as provided in section 8802. [PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

#### §5813. Driver education

Students may be charged a fee for driver education as provided under section 8704. [PL 2023, c. 405, Pt. A, §43 (AMD).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2023, c. 405, Pt. A, §43 (AMD).

#### §5814. Students not residing with parent or guardian

Whenever a student is not residing with that student's parents or legal guardians because of a broken home or intolerable home conditions, the unit where the student attends school may apply to the commissioner for a determination regarding which unit shall pay the cost of educating such a student. The determination of the commissioner is binding upon the administrative units concerned. [PL 1991, c. 365, §3 (AMD).]

In cases when the commissioner determines that a school unit must pay the tuition for a student described in this section who attends school in another unit, the student is considered a resident of the unit that pays tuition. If the student is not determined to be a tuition student, the student is considered

a resident student in the school unit where the student is placed. If the superintendent of the unit in which the student is placed so requests, the subsidy for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy. [PL 1991, c. 365, §3 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1991, c. 365, §3 (AMD).

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