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Legislative Document

No. 388

H.P. 297

House of Representatives, January 24, 2019

An Act To Recognize Employee Background Checks Conducted for Out-of-state Schools Eligible for Maine Tuition Assistance

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative ACKLEY of Monmouth. (BY REQUEST)

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** this legislation must take effect before the expiration of the 90-day period 4 so that it applies to the next school year; and
- 5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 6 the meaning of the Constitution of Maine and require the following legislation as 7 immediately necessary for the preservation of the public peace, health and safety; now, 8 therefore,
- 9 Be it enacted by the People of the State of Maine as follows:
- 10 Sec. 1. 20-A MRSA §5808, as enacted by PL 1981, c. 693, §§5 and 8, is amended 11 to read:
- 12 **§5808.** Schools outside state

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13 The tuition payment for students educated in whole in another state or country may 14 not exceed the average per pupil cost in all secondary schools of this State. The 15 legislative body of the school <u>administrative</u> unit may vote to authorize its school board 16 to pay a larger tuition rate.

17 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 18 not be withheld solely because persons regularly employed in that school do not meet the 19 requirements of section 6103, as long as those persons are required to meet background 20 check standards in that state determined by the commissioner to be equivalent to the 21 requirements of section 6103. The commissioner shall adopt rules to implement this 22 paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined 23 24 in Title 5, chapter 375, subchapter 2-A.

- 25 **Emergency clause.** In view of the emergency cited in the preamble, this 26 legislation takes effect when approved.
 - SUMMARY

This bill provides that the tuition payment to an out-of-state high school that serves a student who resides in a school administrative unit that does not maintain a high school may not be withheld solely because persons regularly employed in that school do not meet the background check requirements in Maine law. The provisions apply as long as those persons are required to meet background check standards in that state determined by the Commissioner of Education to be equivalent to the requirements of Maine law.