

## §1. Definitions

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings. [PL 1981, c. 693, §§5, 8 (NEW).]

**1. Adult education.** "Adult education" means education programs primarily operated for individuals beyond the compulsory school ages and administered by school administrative units. [PL 1981, c. 693, §§5, 8 (NEW).]

**1-A. Agent.** "Agent" means an individual appointed to serve in the capacity of a superintendent. [PL 2001, c. 588, §1 (NEW).]

**1-B. Alternative education program.** "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs. [PL 2007, c. 667, §1 (NEW).]

**1-C. Alternative learning.** "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students. [PL 2007, c. 667, §2 (NEW).]

**2. Approved private school.** "Approved private school" means a private school approved for attendance purposes under chapter 117. [PL 1981, c. 693, §§5, 8 (NEW).]

**2-A. At-risk student.** "At-risk student" means a student who:

A. Is not meeting the requirements for promotion to the next grade level or graduation from high school; [PL 2007, c. 667, §3 (NEW).]

B. Is at risk for dropping out of school; [PL 2007, c. 667, §3 (NEW).]

C. Is truant; or [PL 2011, c. 614, §2 (AMD).]

D. Is economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007). [PL 2007, c. 667, §3 (NEW).]  
[PL 2011, c. 614, §2 (AMD).]

**3. Board of directors.** "Board of directors" means the governing body with statutory powers and duties for a school administrative district. [PL 1981, c. 693, §§5, 8 (NEW).]

**3-A. Child with a disability.** "Child with a disability" has the same meaning as in section 7001. [PL 2005, c. 662, Pt. A, §4 (NEW).]

**4. Commissioner.** "Commissioner" means the Commissioner of Education or the commissioner's designee. [PL 1989, c. 700, Pt. A, §45 (AMD).]

**5. Community school district.** "Community school district" means a state-approved unit of school administration composed of more than one municipality or school administrative district which may provide public education for any combination of kindergarten through grade 12. [PL 1981, c. 693, §§5, 8 (NEW).]

**6. Cooperative board.** "Cooperative board" means the governing body with statutory powers and duties for a career and technical education region.

[RR 1991, c. 2, §53 (COR); PL 2003, c. 545, §5 (REV).]

**6-A. Courses of study.** "Courses of study" means the courses of study for the elementary and secondary schools that are in alignment with the system of learning results as established in section 6209 and consistent with the requirements of this Title.

[PL 2001, c. 588, §2 (NEW).]

**7. Department.** "Department" means the Department of Education.

[PL 1989, c. 700, Pt. A, §45 (AMD).]

**8. District board of trustees.** "District board of trustees" means a body with statutory powers and duties for a community school district.

[PL 1981, c. 693, §§5, 8 (NEW).]

**9. District school committee.** "District school committee" means the governing body with statutory powers and duties for a community school district.

[PL 1981, c. 693, §§5, 8 (NEW).]

**10. Elementary school.** "Elementary school" means that portion of a school that provides instruction in any combination of kindergarten through grade 8.

[PL 1981, c. 693, §§5, 8 (NEW).]

**11. Elementary student.** "Elementary student" means a student enrolled in an elementary school.

[PL 1981, c. 693, §§5, 8 (NEW).]

**11-A. Extended learning opportunity.** "Extended learning opportunity" means an experience outside of the traditional classroom, with an emphasis on community-based career exploration, which may be credit bearing.

[PL 2023, c. 566, §1 (NEW).]

**12. Exceptional student.**

[PL 2005, c. 662, Pt. A, §5 (RP).]

**13. Financial definitions.**

[PL 2009, c. 274, §2 (RP).]

**13-A. Homeless student.** "Homeless student" means a person eligible to attend elementary or secondary school pursuant to section 5201 who:

A. Lacks a fixed, regular and adequate nighttime residence; [PL 1991, c. 608, §1 (NEW).]

B. [PL 2003, c. 477, §1 (RP).]

B-1. Is a child or a youth:

(1) Who is sharing the housing of other persons due to loss of housing or economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodation; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;

(2) Who is living in a car, park or public space or in an abandoned building, substandard housing, bus or train station or similar setting;

(3) Who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and

(4) Who is a migratory child, as defined in Section 1309 of the federal Elementary and Secondary Education Act of 1965, who qualifies as homeless for the purpose of this chapter because the child is living in circumstances described in this section. [PL 2003, c. 477, §2 (NEW).]

C. [PL 2003, c. 477, §3 (RP).]

The term "homeless student" does not include a person housed in a correctional facility, jail or detention facility.

[PL 2003, c. 477, §§1-3 (AMD).]

**14. Joint committee.** "Joint committee" means the governing body with statutory powers and duties for implementing a contract for secondary education under chapter 115.

[PL 1981, c. 693, §§5, 8 (NEW).]

**15. Kindergarten.** "Kindergarten" means a one-year or 2-year childhood education program, for children at least 5 years of age, immediately prior to grade one.

[PL 2007, c. 141, §1 (AMD).]

**16. Local allocation.**

[PL 2009, c. 274, §3 (RP).]

**17. Major capital costs.** "Major capital costs" is defined in section 15672, subsection 18-A.

[PL 2005, c. 2, Pt. D, §2 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

**18. Minor capital costs.** "Minor capital costs" is defined in section 15672, subsection 20-A.

[PL 2005, c. 2, Pt. D, §2 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

**19. Municipal school unit.** "Municipal school unit" means a state-approved unit of school administration composed of a single municipality.

[PL 1981, c. 693, §§5, 8 (NEW).]

**19-A. Newly incurred capital outlay and debt service.** "Newly incurred capital outlay and debt service" means capital outlay and debt service costs for a school construction project approved for funding by the voters on or after June 1, 1998.

[PL 1997, c. 787, §1 (NEW).]

**20. Parent.** "Parent" means a parent, guardian or legal guardian.

[PL 1981, c. 693, §§5, 8 (NEW).]

**20-A. Previous education unit.** "Previous education unit" means a state-approved unit of school administration that was responsible for operating or constructing public schools prior to the reorganization of school administrative units pursuant to chapter 103-A.

[PL 2007, c. 240, Pt. XXXX, §1 (NEW).]

**21. Principal.** "Principal" means the person who supervises the operation and management of a school and school property as determined necessary by the superintendent under policies established by the school board.

[PL 1981, c. 693, §§5, 8 (NEW).]

**22. Private school.** "Private school" means an academy, seminary, institute or other private corporation or body formed for educational purposes covering kindergarten through grade 12 or any portion thereof.

[PL 1981, c. 693, §§5, 8 (NEW).]

**23. Private school approved for tuition purposes.** "Private school approved for tuition purposes" means a private school approved for the receipt of public funds under sections 2951 to 2955.

[PL 1981, c. 693, §§5, 8 (NEW).]

**23-A. Public preschool program.** "Public preschool program" means a program offered by a public elementary school pursuant to chapter 203 that provides instruction to children who are 4 years of age, including but not limited to a Head Start program that is approved as a component of the public preschool program.

[PL 2019, c. 241, §1 (AMD).]

**23-B. Publicly supported secondary school.** "Publicly supported secondary school" means:

A. A public secondary school; or [PL 2007, c. 240, Pt. XXXX, §2 (NEW).]

B. A private secondary school approved for the receipt of public funds under chapter 117, subchapter 2 that enrolls 60% or more publicly funded students. [PL 2007, c. 240, Pt. XXXX, §2 (NEW).]

[PL 2007, c. 240, Pt. XXXX, §2 (NEW).]

**24. Public school.** "Public school" means a school that is governed by a school board of a school administrative unit and funded primarily with public funds.

[PL 1981, c. 693, §§5, 8 (NEW).]

**24-A. Residential placement.** "Residential placement" includes the placement in any children's home licensed pursuant to Title 22, chapter 1669, including:

A. An "emergency children's shelter," which is a facility operated by a corporation and licensed for the purpose of providing board and care to no more than 10 children over the age of 12 years, who may be runaways or abused children or whose well-being is jeopardized by some other crisis or emergency, and providing services to a child for not more than 21 consecutive days, except with special permission; [PL 2013, c. 179, §3 (AMD).]

B. A "foster home," which is a private home occupied and operated by the owner and licensed to provide 24-hour care for no more than 6 nonrelated children; [PL 1985, c. 789, §§1, 9 (NEW).]

C. A "specialized children's home," which is a facility licensed to provide care to no more than 4 children who are moderately to severely disabled by a caretaker who is specifically educated and trained to provide for the particular needs of each child placed; and [PL 2021, c. 348, §23 (AMD).]

D. A "children's residential care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A children's residential care facility does not mean family foster home, specialized children's home or an emergency children's shelter. The term includes, but is not limited to:

(1) A "group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;

(2) A "residential agency," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;

(3) A "residential treatment center," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing therapeutically planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are integrated for children whose present disabilities preclude community outpatient treatment;

(4) A "residential treatment facility," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 children who are moderately to severely disabled that does not contain an educational component; and

(5) A "therapeutic group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 children who are moderately to severely disabled. [PL 2021, c. 348, §24 (AMD).]

[PL 2021, c. 348, §§23, 24 (AMD).]

**24-B. Regional school unit.** "Regional school unit" means the state-approved unit of school administration as established pursuant to chapter 103-A.

[PL 2007, c. 240, Pt. XXXX, §3 (NEW).]

**24-C. Regional school unit board.** "Regional school unit board" means the board of directors that is the governing body with statutory powers and duties of a regional school unit.

[PL 2007, c. 240, Pt. XXXX, §4 (NEW).]

**25. School administrative district.** "School administrative district" means a state-approved unit of school administration, composed of one or more municipalities which must provide public education to all public school students in the district.

[PL 1981, c. 693, §§5, 8 (NEW).]

**26. School administrative unit.** "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only the following:

A. A municipal school unit; [PL 2007, c. 668, §1 (NEW).]

B. A regional school unit formed pursuant to chapter 103-A; [PL 2007, c. 668, §1 (NEW).]

C. An alternative organizational structure as approved by the commissioner and approved by the voters; [PL 2009, c. 580, §1 (AMD).]

D. A school administrative district that does not provide public education for the entire span of kindergarten to grade 12 that has not reorganized as a regional school unit pursuant to chapter 103-A; [PL 2007, c. 668, §1 (NEW).]

E. A community school district that has not reorganized as a regional school unit pursuant to chapter 103-A; [PL 2007, c. 668, §1 (NEW).]

F. A municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit pursuant to chapter 103-A; [PL 2011, c. 414, §2 (AMD).]

G. A municipal school unit, school administrative district, community school district, regional school unit or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure approved by the commissioner; and [PL 2011, c. 414, §3 (AMD).]

H. A public charter school authorized under chapter 112 by an entity other than a local school board. [PL 2011, c. 414, §4 (NEW).]

[PL 2011, c. 414, §§2-4 (AMD).]

**27. School agent.**

[PL 2001, c. 588, §3 (RP).]

**28. School board.** "School board" means the governing body with statutory powers and duties for a school administrative unit.

[PL 1981, c. 693, §§5, 8 (NEW).]

**29. School committee.** "School committee" means the governing body with statutory powers and duties for a municipal school unit.

[PL 1981, c. 693, §§5, 8 (NEW).]

**30. School construction project.** "School construction project" is defined in section 15901, subsection 4.

[PL 1981, c. 693, §§5, 8 (NEW).]

**31. School union.** "School union" means a union composed of school administrative units joined for the purpose of providing joint administrative services, including a joint superintendent.

[PL 1981, c. 693, §§5, 8 (NEW).]

**32. Secondary school.** "Secondary school" means that portion of a school that provides instruction in any combination of grades 9 through 12.

[PL 1981, c. 693, §§5, 8 (NEW).]

**33. Secondary student.** "Secondary student" means a student enrolled in a secondary school.

[PL 1981, c. 693, §§5, 8 (NEW).]

**34. Special school district.** "Special school district" means a school district created by private and special law for the purpose of constructing or adding to school buildings, but which does not have the authority or responsibility for operating public schools.

[PL 1981, c. 693, §§5, 8 (NEW).]

**34-A. State agency client.**

[PL 2023, c. 449, §1 (RP).]

**34-B. State agency client.** "State agency client" means a child with a disability who is 3 years of age or older and under 22 years of age who requires an individualized education program in order to access a free, appropriate public education and who is:

A. In the care or custody, or both, of the Department of Health and Human Services and whose placement, either with a person who is not the child's parent, legal guardian or relative or in a residential setting, is facilitated by a caseworker from the Department of Health and Human Services and funded, in whole or in part, through the MaineCare program or the Department of Health and Human Services, and that placement is for reasons other than educational reasons; or  
[PL 2023, c. 449, §2 (NEW).]

B. In the custody or under the supervision of the Department of Corrections, including, but not limited to, a juvenile on conditional release, an informally adjusted juvenile, a probationer or a juvenile on community reintegration status from the Long Creek Youth Development Center and who is placed, for reasons other than educational reasons, pursuant to a court order or with the agreement of an authorized agent of the Department of Corrections, outside the juvenile's home.  
[PL 2023, c. 449, §2 (NEW).]

Notwithstanding paragraphs A and B, "state agency client" also means a child who is under 3 years of age and has a diagnosed, established condition or a biological factor that has a high probability of resulting in developmental delay.

[PL 2023, c. 449, §2 (NEW).]

**35. State allocation.**

[PL 2009, c. 274, §4 (RP).]

**36. State board.** "State board" means the State Board of Education.

[PL 1981, c. 693, §§5, 8 (NEW).]

**37. State and local allocation.**

[PL 2009, c. 274, §5 (RP).]

**37-A. State valuation.** "State valuation" means the value certified to the Secretary of State as provided in Title 36, section 305, subsection 1.

[PL 1985, c. 650, §1 (NEW).]

**38. Subdistrict.** "Subdistrict" means a geographic area which is a subdivision of a school administrative district for election purposes.

[PL 1981, c. 693, §§5, 8 (NEW).]

**39. Superintendent.** "Superintendent" means the person in a school administrative unit or school union appointed and having the authority and responsibility under this Title and other applicable statutes.

[PL 1981, c. 693, §§5, 8 (NEW).]

**40. Union committee.** "Union committee" means the governing body with statutory powers and duties for a school union.

[PL 1981, c. 693, §§5, 8 (NEW).]

**41. Union school.**

[PL 2011, c. 678, Pt. C, §1 (RP).]

**42. Career and technical education center.** "Career and technical education center" is defined in section 8301-A, subsection 3.

[RR 1991, c. 2, §54 (COR); PL 2003, c. 545, §5 (REV).]

**43. Career and technical education.** "Career and technical education" is defined in section 8301-A, subsection 2-A.

[RR 2003, c. 2, §31 (COR).]

**44. Career and technical education region.** "Career and technical education region" is defined in section 8301-A, subsection 6.

[RR 1991, c. 2, §56 (COR); PL 2003, c. 545, §5 (REV).]

**45. Career and technical education satellite program.** "Career and technical education satellite program" is defined in section 8301-A, subsection 8.

[RR 1991, c. 2, §56 (COR); PL 2003, c. 545, §5 (REV).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 650, §1 (AMD). PL 1985, c. 789, §§1,2,9 (AMD). PL 1987, c. 98, §1 (AMD). PL 1989, c. 502, §B17 (AMD). PL 1989, c. 700, §A45 (AMD). RR 1991, c. 2, §§53-56 (COR). PL 1991, c. 608, §1 (AMD). PL 1991, c. 716, §6 (AMD). RR 1993, c. 1, §44 (COR). PL 1993, c. 410, §CCC7 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 569, §1 (AMD). PL 1997, c. 326, §1 (AMD). PL 1997, c. 787, §1 (AMD). PL 1999, c. 75, §1 (AMD). PL 1999, c. 401, §J4 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2001, c. 588, §§1-3 (AMD). RR 2003, c. 2, §§30,31 (COR). PL 2003, c. 477, §§1-3 (AMD). PL 2003, c. 545, §5 (REV). PL 2003, c. 689, §B6 (REV). PL 2003, c. 706, §A8 (AMD). PL 2005, c. 2, §D2 (AMD). PL 2005, c. 2, §§D72,74 (AFF). PL 2005, c. 12, §WW18 (AFF). PL 2005, c. 662, §§A4,5 (AMD). PL 2007, c. 141, §§1, 2 (AMD). PL 2007, c. 240, Pt. XXXX, §§1-5 (AMD). PL 2007, c. 667, §§1-3 (AMD). PL 2007, c. 668, §1 (AMD). PL 2009, c. 274, §§2-5 (AMD). PL 2009, c. 580, §§1, 2 (AMD). PL 2011, c. 414, §§2-4 (AMD). PL 2011, c. 614, §2 (AMD). PL 2011, c. 678, Pt. C, §1 (AMD). PL 2013, c. 179, §3 (AMD). PL 2017, c. 148, §4 (AMD). PL 2019, c. 241, §1 (AMD). PL 2021, c. 348, §§23, 24 (AMD). PL 2023, c. 449, §§1, 2 (AMD). PL 2023, c. 566, §1 (AMD).

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