

School Choice in Maine

School Choice Alternatives

Maine provides a program of choice for students. It offers private school tuition for children in rural school districts that do not have their own public schools; and it allows students to attend out-of-district public schools. The program is known as ‘town-tuitioning’, and has some features equivalent to an education voucher program. Parents can send their children to alternative schools in other areas of the state, or out of state.

There are approximately 206,000 K-12 public school students and 17,000 private school students in Maine. See Table 1. Around 6,000 students are publicly funded but attend private schools; most of these students are in grades 9–12 (and many students with special educational needs attend private schools with public funds). So, around 2.7% of all students in Maine attend private schools with public funds. However, around 18% of all secondary students – across 55 municipalities – can participate in the town-tuitioning program; of these, two-thirds chose an alternative public school and one-third chose a private school.

Table 1 Student Enrollment in Maine (2001-02)

	PUBLIC SCHOOLS	PRIVATE SCHOOLS	
		Publicly Funded ^a	Privately Funded ^b
Student Enrollment:			
Pre-K–8	143,621	82	7,329
9–12	61,965	5,307	3,544
Elementary Special Education	-	285	20
Secondary Special Education	-	323	11
Total K–12	205,586	5,997	10,903

Sources: www.state.me.us/education/enroll/fall/2001/fenpbg01.htm
www.state.me.us/education/enroll/aproct/2001/octprg01.htm

Notes: ^aPublicly Funded – Students for whom any Maine municipal funds are included in tuition. ^bPrivately Funded – Students for whom all tuition is paid by other than municipalities or school districts. (parents, scholarships, charity, etc.).

To cover the fees of private schools, the state offers reimbursements. The maximum reimbursable tuition amount for private elementary school in 1999 was \$4,596. The maximum amount for secondary schools was \$6,305 (in-state) or \$5,732 (out-of-state). So, the average voucher is worth about \$6,000.

To be reimbursed, a private school must be nonsectarian, meet the requirements for basic school approval, be incorporated, and comply with audit and reporting requirements. If a school enrolls more than 60% or more of publicly funded students, it must participate in the Statewide Assessment Program. However, tuition is not paid to families who wish to attend a religious school.

Legal History of the School Choice Program

Town-tuitioning was begun in 1873. The major change in the operation of the program followed the U.S. Supreme Court ruling of 1981. This ruling, *Nyquist vs.* was interpreted as forbidding the use of public funds for students to attend private religious schools in Maine. Therefore, since the 1981 ruling, private religious schools have not been eligible for town-tuitioning students.

In 1997, the Institute for Justice filed a state court suit on behalf of religious school families (*Bagley v. Raymond School Department*). The claim was that discrimination against religious schools is a violation of both the First Amendment guarantee of “free exercise” of religion and the 14th Amendment guarantee of equal protection. In April 1999, the Maine Supreme Court ruled against this claim; and in May 1999 the First Circuit Court of Appeals rejected a similar case brought by the American Center for Law and Justice.

In September 2002, however, the Institute for Justice filed a case for six families living in Durham, Minot and Raymond (Maine). In these towns, the local school districts offer high school tuition for students to attend the schools of their choice—public, private, in-state or out-of-state. These choices were offered because it was too costly to maintain a public school in those communities. After 1981, based on an interpretation of the Establishment Clause of the U.S. Constitution, religious choices were foreclosed as an option. This decision, the plaintiffs argue, is “religious discrimination”.

School Choice in Maine and Student Performance

There has been very limited study of the effects of the school choice program in Maine. In research for the Friedman Foundation on both Vermont and Maine, Hammons (2002) found a positive correlation between the extent of within-state competition and standardized test scores.

References

Hammons, C. W. (2001). The effects of town tuitioning in Vermont and Maine. Working Paper, Milton & Rose D. Friedman Foundation, www.friedmanfoundation.org