

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 1317

(Filing No. H-544)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 949, L.D. 1317, Bill, "An Act to Codify Guidelines for Home and Private Schools"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Change the Method of Approving Equivalent Instruction in Home Schools'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act provides a method of approving home schools so that students attending those schools may meet the compulsory education requirements of state law; and

Whereas, it is desirable that this method of approval be available in time to approve schools for the 1989-90 school year; and

Whereas, the application process for the school year must begin immediately to permit time for approval before the start of the 1989-90 school year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

1
20-A MRSA §5001-A, sub-§3, ¶A, as enacted by PL 1983, c. 806,
3 §49, is repealed and the following enacted in its place:

5 A. Equivalent instruction alternatives are as follows.

7 (1) A person shall be excused from attending a public
8 day school if the person obtains equivalent instruction
9 in:

11 (a) A private school approved for attendance
12 purposes pursuant to section 2901;

13 (b) A manner approved by the commissioner
14 pursuant to subparagraph 3; or

15 (c) Any other manner arranged for by the school
16 board and approved by the commissioner.

17
18
19
20
21 (2) A student shall be credited with attendance at a
22 private school only if a certificate showing the name,
23 residence and attendance of the person at the school,
24 signed by the person or persons in charge of the
25 school, has been filed with the school officials of the
26 administrative unit in which the student resides.

27
28
29 (3) A person who wishes to obtain approval of
30 equivalent instruction under rules established by the
31 commissioner for equivalent instruction through home
32 instruction shall simultaneously submit a completed
33 application for approval to the local board and to the
34 commissioner. The local board shall provide for review
35 of the application. The purpose of local review shall
36 only be to facilitate cooperation between local
37 educators and students receiving equivalent instruction
38 and to permit local boards and educators to provide
39 initial review of the application for completion of
40 information required by state rules. Within 30 days of
41 receipt of the application, the local board shall
42 submit its comments on the completeness of the
43 application to the commissioner. Within 30 days of
44 receipt of local comments, the commissioner, using
45 state criteria established by rule, shall decide
46 whether to approve the equivalent instruction
47 application. If the commissioner denies the
48 application, the applicant may, within 30 days of
49 receiving the denial, amend and resubmit the
50 application directly to the commissioner. The
51 commissioner shall make a decision within 30 days of
receiving the amended application. If the amended
application is approved, the applicant shall send a

1 copy of the amended application to the local board for
3 information purposes.

5 **Emergency clause.** In view of the emergency cited in the
7 preamble, this Act shall take effect when approved.

9 **FISCAL NOTE**

11 The Commissioner of Educational and Cultural Services will
13 assume additional responsibility for approval of home
15 instruction. While these costs can initially be absorbed within
17 existing resources of the department, future General Fund
19 appropriations may be required if the number of applications for
21 home instruction increases.'

23 **STATEMENT OF FACT**

25 The bill and the amendment relate to the method of approving
27 or recognizing "equivalent instruction" which is offered in
29 programs other than public schools, such as home schools and
31 private schools. A program must be approved or recognized by the
33 State so that a student attending the program will be in
35 compliance with the compulsory attendance law.

37 Under current law, a home school must be approved by the
39 local school board and by the State. A "nonapproved private
41 school" must submit a letter to the department certifying that it
43 meets standards set by the department in informal "Guidelines for
45 Nonapproved Private Schools." Under state rules, a private
47 school differs from a home school by the fact that it includes 2
49 or more unrelated children.

35 The bill would have placed the "Guidelines for Nonapproved
37 Private Schools" into statute and made them applicable to home
39 schools. The amendment deletes this language and replaces it with
41 a provision changing the method of approving home schools only.
43 Home schools would be approved by the Department of Education and
45 Cultural Services and would not be required to obtain approval of
47 local school boards. A copy of the approval application would be
49 sent to local boards for review. The purpose of local review is
to facilitate communication and cooperation between the local
schools and the students in home schools. Local approval of the
application, however, is not required. Local boards must submit
comments to the commissioner regarding the completeness of the
application, under state rules. The commissioner then decides
whether to approve the equivalent instruction application. If
the commissioner denies the application, the applicant may amend
and resubmit the application.