

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2318

H.P. 1676

House of Representatives, February 14, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MAHANY of Easton.

Cosponsored by Representative KILKELLY of Wiscasset, Senator LUDWIG of Aroostook and Senator DUTREMBLE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act Regarding Eligibility for Participation in Extracurricular
Activities.**

(EMERGENCY)



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

4
Whereas, some deserving students may be denied the
6 opportunity to participate in extracurricular activities in the
current school year unless this Act is enacted as an emergency
8 measure; and

10
Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
14 safety; now, therefore,

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

18 **Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A,** as repealed and
replaced by PL 1989, c. 537, is amended to read:

20 A. Equivalent instruction alternatives are as follows.

22
(1) A person shall be excused from attending a public
24 day school if the person obtains equivalent instruction
in:

26
(a) A private school approved for attendance
28 purposes pursuant to section 2901;

30
(b) A private school recognized by the department
as providing equivalent instruction;

32
(c) A manner approved by the commissioner
34 pursuant to subparagraph (3); or

36
(d) Any other manner arranged for by the school
board and approved by the commissioner.

38
(2) A student shall may be credited with attendance at
40 a private school only if a certificate showing the
name, residence and attendance of the person at the
42 school, signed by the person or persons in charge of
the school, has been filed with the school officials of
44 the administrative unit in which the student resides.

46
(3) A person who wishes to obtain approval of
equivalent instruction under rules established by the
48 commissioner for equivalent instruction through home
instruction shall simultaneously submit a completed
50 application for approval to the local board and to the
commissioner. The local board shall provide for review
52 of the application. The purpose of local

2 review shall is only be to facilitate cooperation
4 between local educators and students receiving
6 equivalent instruction and to permit local boards and
8 educators to provide initial review of the application
10 for completion of information required by state rules.
12 Within 30 days of receipt of the application, the local
14 board shall submit its comments on the completeness of
16 the application to the commissioner. Within 30 days of
18 receipt of local comments, the commissioner, using
20 state criteria established by rule, shall decide
22 whether to approve the equivalent instruction
24 application. If the commissioner denies the
26 application, the applicant may, within 30 days of
28 receiving the denial, amend and resubmit the
30 application directly to the commissioner. The
32 commissioner shall make a decision within 30 days of
receiving the amended application. If the amended
application is approved, the applicant shall send a
copy of the amended application to the local board for
information purposes. When determining a person's
eligibility to participate in extracurricular
activities, a public school may not deduct from the
period of eligibility a number of semesters greater
than the number of semesters of academic credit the
public school grants to the person as a result of the
person's participation in an equivalent instruction
program approved under this subparagraph. This
provision does not permit a person 20 years of age or
older to participate in competitive sports if that
person is otherwise disqualified under any applicable
rules.

34 **Sec. 2. Application.** This Act applies to eligibility
36 determinations made on or after the effective date of this Act,
and applies to time spent in equivalent instruction programs in
home schools before or after that date.

38 **Emergency clause.** In view of the emergency cited in the
40 preamble, this Act takes effect when approved.

42 STATEMENT OF FACT

44 Most secondary schools determine eligibility for
46 interscholastic sports under rules promulgated by the Maine
48 Secondary School Principals Association (MSSPA), a private
association that is organized, among other things, to promote and
regulate interscholastic sports in Maine. Those rules include
50 the "eight semester rule" which provides that a student is only
52 eligible to participate in interscholastic sports for 8
consecutive semesters following the date on which the student

begins secondary school. As a result of this rule, a student who transfers to public school from a home school program may become ineligible for sports as a result of spending 4 years in a home school after a certain age, even though the school may determine that the student is a sophomore or junior for academic purposes.

This bill prohibits schools from subtracting from the period of eligibility a number of semesters greater than the number of semesters of academic credit the person receives for attending a home school.