

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 579, L.D. 830, Bill, "An Act to Provide Full Pupil Subsidies for Home School Students"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide Access to Public Schools for Home School Students'

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

'Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A, as repealed and replaced by PL 1989, c. 537, is amended to read:

A. Equivalent instruction alternatives are as follows.

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

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

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

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

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

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

8 (3) A person who wishes to obtain approval of
10 equivalent instruction under rules established by the
12 commissioner for equivalent instruction through home
14 instruction shall simultaneously submit a completed
16 application for approval to the local board and to the
18 commissioner. ~~The local board shall provide for review
of the application. The purpose of local review shall
only be to facilitate cooperation between local
educators and students receiving equivalent instruction
and to permit local boards and educators to provide
initial review of the application for completion of
information required by state rules.~~ The local board
may review the application and submit comments on the
application to the commissioner within 30 days of
receipt of the application. Within 30 60 days of
receipt of the application, the local board shall
submit its comments on the completeness of the
application to the commissioner. Within 30 days of
receipt of local comments, the commissioner, using
state criteria established by rule, shall decide
whether to approve the equivalent instruction
application. If the commissioner denies the
application, the applicant may, within 30 days of
receiving the denial, amend and resubmit the
application directly to the commissioner. The
commissioner shall make a decision within 30 days of
receiving the amended application. If the amended an
application is approved, the applicant commissioner
shall send a copy notice of the amended application
approval to the local board for information purposes.
Notice provided to local boards under this section of
applications for approval of equivalent instruction
through home instruction and of the commissioner's
decision on those applications is only for
informational purposes. Local boards are not required
to play any role in the application, review and
approval, or oversight of home instruction programs,
except as is necessary to provide access to school
programs under paragraph C.

48 Sec. 2. 20-A MRSA §5001-A, sub-§3, ¶C, as enacted by PL 1987,
50 c. 114, is repealed and the following enacted in its place:

52 C. School administrative units that provide access to
curricular activities, extracurricular activities and

2 cocurricular activities for students receiving equivalent
3 instruction through home instruction may count each of those
4 students as a 1/2 student for purposes of computing state
5 aid under chapter 606. For purposes of this paragraph,
6 access to curricular activities, extracurricular activities
7 and cocurricular activities includes but is not limited to
8 the following activities and is subject to the following
9 requirements:

10 (1) Home instruction students may enroll in specific
11 classes provided that the student's attendance is
12 regular, the student completes all assignments and
13 tests as are required of other students in the class,
14 the class is appropriate to the student's age and grade
15 and all prerequisite course requirements are met;

16 (2) Home instruction students are eligible for special
17 education services provided that the Pupil Evaluation
18 Team has determined that special education services are
19 required, an individual education plan has been
20 developed for the student, the parent has signed a form
21 granting consent for services and the parent agrees to
22 bring the student to school unless otherwise determined
23 by the Pupil Evaluation Team;

24 (3) Home instruction students may participate in
25 activities such as field trips, assemblies and academic
26 fairs provided that prior written permission is
27 obtained from both the parent and the principal, and
28 that the student has agreed to abide by the same code
29 of conduct as other participating students;

30 (4) Home instruction students may participate in
31 extracurricular activities provided that the student:
32 meets the same academic, physical examination,
33 insurance, age and eligibility requirements as
34 regularly enrolled students; maintains the same code of
35 behavior as other participating students; travels to
36 and from team events with the team; and is not enrolled
37 in another school;

38 (5) Home instruction students may use school
39 facilities and equipment on the same basis as regularly
40 enrolled students provided that the use does not
41 disrupt regular school activities, has been approved by
42 the school principal, will not create additional
43 expense to the school administrative unit, is directly
44 related to the school program and does not involve
45 removing furniture or equipment from the school
46 premises;

2 (6) Home instruction students may use school texts and
4 library materials provided that they are appropriate to
6 the age and grade of the student, they are signed out
8 for the same length of time as permitted for other
10 students and the parent agrees to pay the school
12 administrative unit for all lost, damaged or unreturned
14 texts and materials;

16 (7) High school credit may not be awarded for course
18 work completed through home instruction except in cases
20 when the school principal has determined that the
22 course work meets all requirements of board policy.
24 Specific course credit requirements, as specified in
26 board policy, must be met prior to the awarding of a
28 high school diploma; and

30 (8) Placement of home instruction students who wish to
32 be readmitted to the school program is determined by
34 the school principal who shall consult with members of
36 the professional staff. The principal may administer a
38 test or tests to help determine grade level. The
40 decision of the principal may be appealed to the
42 superintendent whose decision is final.

44 Nothing in this paragraph requires a school administrative
46 unit to provide programs, activities, services or materials
48 to students receiving equivalent instruction through home
50 instruction that it does not already provide to regularly
enrolled students. Nothing in this paragraph requires
expenditure of additional resources to provide access to
activities for home instruction students.

Sec. 3. Effective date. This Act takes effect on July 1, 1992.'

STATEMENT OF FACT

This amendment retains the practice under existing law of counting home schooled students as a 1/2 student for purposes of computing state aid to school administrative units. This amendment requires that, in order to continue to receive state aid, public schools must provide home schooled students access to curricular, extra curricular and cocurricular school activities. The activities and facilities to which schools must provide access for home schooled students includes regular classes, special education services, curricular and extra curricular activities, use of school facilities and equipment, use of school texts and library materials. Schools are not required to provide any services for home schooled students that they do not already provide to regularly enrolled students and are not obligated to

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2 expend additional resources to provide equivalent services,
programs, activities or equipment to home schooled students.

4 The amendment also relieves school boards of the
responsibility to review and formulate recommendations on each
6 application for home schooling submitted by a family living in
the school unit. The school board will continue to receive a
8 copy of each application and notice of each approval for
informational purposes.

10

This amendment takes effect on July 1, 1992.

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Reported by the Minority of the Committee on Education
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