

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 904

H.P. 634

House of Representatives, February 28, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MAHANY of Easton.

Cosponsored by Senator McCORMICK of Kennebec, Representative HANDY of Lewiston and Representative KILKELLY of Wiscasset.

### STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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

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

Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A, as repealed and replaced by PL 1989, c. 537, is amended to read: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

(2) A student ~~shall-be~~ is credited with attendance at a private school only if a certificate showing the 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.

(3) A person who wishes to obtain approval of equivalent instruction under rules established by the commissioner for equivalent instruction through home instruction shall simultaneously submit a completed application for approval to the local board and to the commissioner. The local board shall provide for review of the application. The purpose of local review shall is 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. Within 30 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 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. A person 20 years of age or older is not permitted to participate in extracurricular activities if that person is otherwise disqualified under any applicable rules.

**Sec. 2. Application.** This Act applies to eligibility 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.

## STATEMENT OF FACT

Most secondary schools determine eligibility for interscholastic sports under rules promulgated by the Maine Secondary School Principals Association, or MSSPA, a private association that is organized, among other things, to promote and regulate interscholastic sports in Maine. Those rules include the "eight semester rule" which provides that a student is only 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.