

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

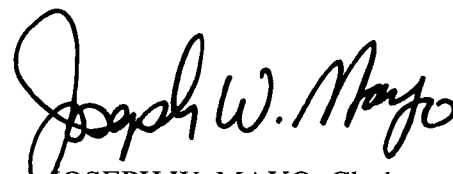
No. 1442

H.P. 1027

House of Representatives, April 27, 1995

**An Act to Require That Public Schools Permit Participation in School
Activities and Classes by Students Who Are Receiving Home Instruction.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.

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

4 Sec. 1. 20-A MRSA c. 211, sub-c. I-A is enacted to read:

6 SUBCHAPTER I-A

8 EQUIVALENT INSTRUCTION THROUGH
HOME INSTRUCTION

10 §5021. Standards for participation in public schools

12 School administrative units shall conform to the following
14 standards in making public school resources and services
16 available to support an equivalent instruction program approved
by the commissioner for a student who is otherwise eligible to
attend schools in that school administrative unit.

18 1. Participation in regular classes. A student receiving
20 home instruction may enroll in specific day school classes if all
of the following conditions are met.

22 A. The student's attendance is regular.

24 B. The student completes all assignments and tests that are
26 required of other students in the class or follows the
provisions of the student's individual education plan.

28 C. The class in which the student wishes to enroll is
30 appropriate to the student's age, grade or academic level.

32 D. The student meets all prerequisite course requirements
34 or receives prior approval of the regular or special
education teacher, the principal or the special education
director.

36 E. The class assignment would not provide for advancement
38 of the student on a basis other than that of a regularly
enrolled student.

40 F. Transportation is provided by the parent, guardian or
42 student. Regular school transportation may be used if it
does not result in additional cost to the school system.

44 2. Special education services. A student receiving home
46 instruction is considered eligible for special education services
if all of the following conditions are met.

48 A. A pupil evaluation team determines that a special
50 education service is necessary.

2 B. An individual education plan is developed for the
3 student that clearly identifies the services needed, the
4 frequency of the service and the service provider.

6 C. The parent signs the consent-for-services form.

8 D. The parent agrees that the student will receive the
9 services at the school and at the times scheduled.

12 The school administrative unit shall provide transportation to
13 the extent consistent with generally applicable school policy.

14 3. Participation in cocurricular activities. A student
15 receiving home instruction may participate in cocurricular
16 activities, including, but not limited to: field trips; dances;
17 special speakers and presentations; plays; sex education and DARE
18 programs; initial health and developmental screening for, without
19 limitation, motor skills, vision, hearing and sociality; and
20 assemblies and social studies, math and science fairs.
21 Participation is subject to all of the following conditions.

22 A. There is prior written permission from the parent.

24 B. There is prior notification to the principal's office.

26 C. The student agrees to abide by the same code of conduct
27 that applies to the regularly enrolled students
28 participating in the activity.

30 D. The notification of and participation in activities does
31 not require expenses to the school system.

34 While the responsibility of knowing about and arranging for a
35 student receiving home instruction to participate in cocurricular
36 activities lies with the parent, the principal's office shall
37 cooperate with the parent's effort to stay informed of activities.

38 4. Participation in extracurricular activities. Students
39 receiving home instruction may participate in extracurricular
40 activities in the school system subject to all of the following
41 requirements.

44 A. Students receiving home instruction shall abide by the
45 same code of behavior required of regularly enrolled school
46 participants.

48 B. Students receiving home instruction shall abide by the
49 same transportation requirements that apply to regularly
50 enrolled school participants.

2 5. Use of facilities and equipment. A student receiving
3 home instruction may use school facilities and equipment on the
4 same basis as regularly enrolled students, subject to all of the
5 following conditions.

6 A. The use does not disrupt regular student, staff or
7 special program use.

8 B. The principal's office is notified so that there is
9 adequate time to allow for scheduling use of the facilities
10 or equipment.

11 C. The use does not create additional expense to the school
12 system.

13 D. The use does not involve removing furniture or equipment
14 from the school premises.

15 E. The use of potentially hazardous areas such as shops and
16 laboratories is supervised by a qualified adult who the
17 school administrative unit determines has demonstrated
18 proficiency in those areas.

19 F. The parents of the student agree in writing to assume
20 all financial responsibility for any damage caused or
21 repairs needed because of the student's use.

22 6. Use of school textbooks and library books. A student
23 receiving home instruction may be permitted to use school
24 textbooks and library books or other instructional materials
25 owned by the school system subject to all of the following
26 conditions.

27 A. The use does not disrupt regular student, staff or
28 special program use.

29 B. The textbook is appropriate to the student's academic
30 program.

31 C. The textbook is signed out to the student for a period
32 of no longer than one year.

33 D. Library books are signed out for the usual school loan
34 period.

35 E. The student and parent agree in writing to pay the
36 school system for all textbooks and library books that are
37 lost, damaged or not returned and for consumable supplies
38 used.

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§5022. Readmission to the regular program

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4 **1. Placement.** If a student receiving home instruction seeks readmission to the regular school program, the school staff shall examine the student's record to ascertain which course requirements have been met. The staff may administer tests to help determine the appropriate grade level or course placement.

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10 **2. High school course credits and diploma eligibility.** The following standards apply to course credits and diploma eligibility for a student receiving home instruction who seeks readmission to the public high school.

14 **A.** That student may earn high school credits by satisfactorily completing courses in the public school. Enrollment must be approved by the principal.

18 **B.** High school credit may not be awarded for course work completed through home instruction except when the principal determines, in advance and upon completion of the course, that the course meets all requirements governing course credit. The principal may direct that a test or tests be administered to help determine the student's success in the course work.

22 **C.** Requests for transfer credit for equivalent instruction completed at nonaccredited schools or through other equivalent instruction programs must be evaluated on the merits of the documentation provided. The principal and the guidance staff shall conduct these evaluations on request by the student.

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30 Specific course credit requirements are those established by local school board policies for awarding a public high school diploma and for participation in graduation.

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38 **Sec. 2. Legislative intent; cooperation between State and local school administrative districts.** The State acknowledges the provision for equivalent instruction under the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3, paragraph A, subparagraph (3). It further recognizes that the term "equivalent" is intended to mean "meeting state standards," "alternate" or "other" and is not intended to mean "equal" or "the same" as the education delivered in the public school systems. To meet the state obligation to educate its children, the State and local school administrative units shall cooperate in the home instruction of any child who resides in that school administrative unit to the degree that the level of cooperation does not interfere with the responsibilities to students enrolled in regular programs.

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STATEMENT OF FACT

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6 This bill establishes uniform standards for participation by
students receiving home instruction in classes, activities and
8 special education services and for the use of the books,
equipment and facilities of the public schools those students
would otherwise attend.

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12 The bill also establishes standards for readmission to and
graduation from the high school a student receiving home
instruction is entitled to attend.