

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

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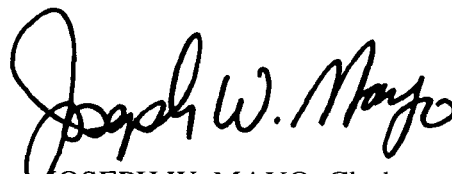
H.P. 1327

House of Representatives, March 5, 1996

**An Act to Require that Public Schools Permit Participation in Curricular,
Cocurricular and Extracurricular Activities for Students Enrolled in
Approved Equivalent Instruction Programs.**

Reported by Representative KILKELLY for the Home School Study Committee pursuant to Resolve 1993, chapter 62.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

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

SUBCHAPTER I-A

EQUIVALENT INSTRUCTION PROGRAMS

§5021. Standards for participation in public schools by students enrolled in equivalent instruction programs

A school administrative unit shall conform to the following standards in making public school resources and services available to support an equivalent instruction program approved by the commissioner for a student otherwise eligible to attend school in that school administrative unit.

1. Participation in regular classes. A student receiving home instruction may enroll in specific day school classes without consideration to home-schooling status at the appropriate public school if each of the following conditions is met.

A. The student or the student's parent or guardian, on the student's behalf, applies to and receives approval from the school principal. Approval may not be unreasonably withheld.

B. The student can demonstrate satisfactory academic achievement consistent with school unit policy applicable to all students.

C. The student shall comply with behavioral, disciplinary, attendance and other classroom rules applicable to all students.

D. Transportation must be provided by the parent or guardian or student. The student may use the same transportation as all other students in the school unit, as long as additional expenses are not incurred.

E. Academic credit for individual courses must be awarded if the student meets required academic standards applicable to all students enrolled in the same course.

F. Academic credit must be awarded for successful completion of alternative instruction opportunities available to all students.

G. The student shall complete all assignments and tests as required of all students in the class.

2 H. If a student fails to comply with the requirements
4 leading to the acquisition of credit for an individual
6 course, the school may withhold credit or terminate
participation in that course by the student in a manner
consistent with school policy applicable to all students.

8 I. A home-schooled student may audit a course in accordance
10 with established local policy at the appropriate public
school under the following conditions.

12 (1) The student or the student's parent or guardian,
14 on behalf of the student, applies to and receives
16 approval from the principal of the school to audit a
specific course or courses. Participation may not be
unreasonably withheld.

18 (2) The student agrees to meet established behavioral,
20 disciplinary, attendance and other classroom rules
applicable to all students.

22 2. Special education services. A student receiving
24 home-school instruction is eligible for special education
26 services, as provided for under federal regulation, in accordance
with section 5001-A and relevant department procedures and
standards.

28 3. Participation in cocurricular activities. A student
30 receiving home-school instruction may participate in cocurricular
32 activities, including, but not limited to, field trips, dances,
34 assemblies, plays and academically related fairs. The primary
36 responsibility for knowing about and arranging for participation
in cocurricular activities rests with the home-schooled student's
parents or guardians. The school principal shall endeavor to
make the home-schooled student's parent or guardian aware of such
activities in advance, if the home-schooled student's parent or
guardian requests notification.

38 Participation by the home-schooled student is subject to the
40 following conditions.

42 A. The student or the student's parent or guardian, on
44 behalf of the student, applies to and receives approval from
46 the principal of the school. Participation may not be
unreasonably withheld.

48 B. The student agrees to meet established behavioral,
50 disciplinary, attendance and other rules applicable to all
students.

2 4. Participation in extracurricular activities. Students
3 receiving home-school instruction are eligible to participate in
4 extracurricular activities sponsored by the local school unit if
5 the following requirements are satisfied.

6 A. The student agrees to abide by equivalent rules of
7 participation as are applicable to regularly enrolled
8 students participating in the activity and provides evidence
9 that the rules of participation are being met.

10 B. The student complies with the same physical examination,
11 immunization, insurance, age and semester eligibility
12 requirements as regularly enrolled students participating in
13 the activity. All required documentation must be made
14 available upon request by the school unit.

15 C. The student meets equivalent academic standards as those
16 established for regularly enrolled students participating in
17 the activity and provides evidence that the academic
18 standards are being met.

19 D. The student abides by the same transportation policy as
20 regularly enrolled students participating in the activity.

21 5. Use of school facilities and equipment. A student
22 receiving home-school instruction may use public school
23 facilities and equipment on the same basis as regularly enrolled
24 students if the following conditions are met:

25 A. Use does not disrupt regular school activities;

26 B. Use is approved by the school principal;

27 C. Use does not create additional expense to the school
28 unit;

29 D. Use is directly related to the student's academic
30 program;

31 E. Use of potentially hazardous areas, such as shops,
32 laboratories and the gymnasium, is supervised by qualified
33 persons who the school administrative unit determines have
34 demonstrated proficiency in those areas; and

35 F. The parent or guardian agrees in writing to assume all
36 liability, including financial responsibility for property
37 damage or repairs needed and bodily injury, resulting from
38 the student's use or misuse of the facility or equipment.

2 6. Use of school textbooks and library books. A student
3 receiving home instruction may use school textbooks and library
4 books owned by the school unit subject to the following
5 conditions:

6 A. Use does not disrupt regular student, staff or special
7 program functions;

8 B. The student's sign-out period for a library book is the
9 same as that applicable to regularly enrolled students;

10 C. The student may sign out a textbook for a period not to
11 exceed one year; and

12 D. The parent or guardian and student agree to reimburse
13 the school unit for lost, unreturned or damaged library
14 books and textbooks and for consumable supplies used.

15 **§5022. Admission to regular program**

16 1. Placement. A student who has been receiving home-school
17 instruction and who seeks admission to the regular school program
18 must be placed in a grade commensurate with the level of the
19 student's academic achievement. Placement must be guided by the
20 following.

21 A. Grade level placement is determined by the locally
22 designated appropriate school staff, based upon but not
23 limited to such factors as the student's completed curricula
24 and record of achievement, conferencing with the student's
25 parent or guardian and administration of tests, if
26 determined necessary.

27 B. The final grade level placement decision is based upon
28 local school unit policy. That decision may be appealed to
29 the school unit superintendent and, if desired, subsequently
30 to the local board of directors, whose decision is final.

31 2. High school course credits and diploma eligibility. The
32 following standards govern the awarding of course credits and a
33 graduation diploma to a student receiving home-school instruction
34 who seeks admission to the public high school.

35 A. A student may earn high school credits for satisfactory
36 completion of courses in the public high school if
37 enrollment in the courses has been approved by the school
38 principal.

39 B. A student may earn credit for course work completed
40 through home-school instruction if the principal determines
41 that the student has completed the course work.

2 both in advance and upon completion of the course that the
3 course satisfies the requirements for awarding the credit.
4 The principal may direct that the student undergo a test or
5 tests to assist in making a determination relative to the
6 awarding of credit.

7 C. Requests for transfer credit for equivalent instruction
8 completed at nonapproved private schools, at private schools
9 that elect not to meet requirements under section 2901 or
10 through other equivalent instruction programs must be
11 evaluated on the merits of the documentation provided. The
12 principal and guidance staff shall conduct these evaluations
13 on request by the student or the student's parent or
14 guardian.

15 D. Awarding of a high school diploma by the local school is
16 conditioned upon the student's demonstration of having
17 satisfied all course credit requirements as established by
18 the local board of directors. The local board of directors
19 may establish a minimum enrollment requirement as a
20 precondition for the awarding of a local school unit diploma.

21 **§5023. Standards for participation when tuition pavement is**
22 **required**

23 When the local public school unit does not provide academic
24 instruction for specific grade levels, the following applies for
25 home-schooled students.

26 1. Class participation. The home-schooled student or the
27 student's parent or guardian shall request authorization from the
28 resident local school unit to apply to another school unit for
29 permission to participate in classes or activities in that other
30 school unit.

31 2. Tuition payment. Tuition payments for home-schooled
32 student participation in a local school unit other than the
33 applicant's resident district is the responsibility of the
34 home-schooled student, the student's parent or guardian or the
35 student's resident public school district, in accordance with
36 local school unit policy. Participation may not be unreasonably
37 withheld.

38 3. Participation eligibility. A tuitioned home-schooled
39 student is subject to the rules relating to eligibility for
40 participation in cocurricular or extracurricular activities as
41 may apply at the receiving school unit.

42 4. Interscholastic activities. A tuitioned home-schooled
43 student attending classes in more than one receiving school unit
44 is subject to the rules relating to eligibility for
45 participation in interscholastic activities as may apply at the
46 receiving school unit.

2 is not eligible for participation in interscholastic activities
3 at any local school unit.

4 Attendance at an applied technology center or applied technology
5 region may not be considered in administering this subsection.

6 **§5024. Local school unit policy**

8
9 Each school administrative unit shall develop and adopt a
10 policy consistent with this subchapter. Establishment and
11 administration of the local school unit policy is subject to the
12 following.

14 1. Policy. Local school unit policy must be submitted to
15 and placed on file in the department by January 1, 1997.

16 2. Implementation. Locally approved policy is implemented
17 and administered by the local school unit.

20 3. Provision of information. Public schools shall make
21 available to home-schooled students information regarding access
22 to public school resources and services, participation in public
23 school activities and attendance at public schools. This
24 information must include:

26 A. Requirements regarding initial health and developmental
27 screening for motor skills, vision, hearing and
28 immunization; and

30 B. Criteria for participation of home-schooled students in
31 curricular, cocurricular and extracurricular activities.

32 4. Appeals. Appeals from administration and application of
33 the local school unit policy are heard by the local school unit
34 board of directors, whose decision is final and binding.

36 5. Decision. Appeals that question the local school unit's
37 policy compliance with this subchapter must be made to the
38 commissioner, whose decision is final and binding.

40 **§5025. Compliance**

42 Failure to comply with this subchapter may result in the
43 loss of state subsidy and school approval.

46 **Sec. 2. Construction; legislative intent; cooperation between the State**
47 **and local school administrative units.** With respect to the provision
48 for equivalent instruction under the Maine Revised Statutes,
49 Title 20-A, section 5001-A, subsection 3, paragraph A,
50 subparagraph

2 (3), the Legislature recognizes that the term "equivalent" is
intended to mean meeting state standards, alternate or other and
4 is not intended to mean the same as the education delivered in
the public school system. It is the intention of the Legislature
6 that, to meet the State's obligation to educate its children, the
State and local school administrative units shall cooperate in
8 the home instruction of any child who resides in that school
administrative unit to the degree that the level of cooperation
10 does not interfere with the responsibilities to students enrolled
in regular programs.

12

STATEMENT OF FACT

14

16 This bill establishes uniform standards for participation by
students receiving home instruction in curricular, cocurricular
and extracurricular activities and special education services and
18 for the use of the books, equipment and facilities of the public
schools those students may otherwise attend.

20

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