

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 160

S.P. 83

In Senate, January 21, 2003

An Act To Amend the Laws Governing Home Instruction

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WESTON of Waldo.
Cosponsored by Representative GAGNE-FRIEL of Buckfield and
Senators: BENNETT of Oxford, BRENNAN of Cumberland, DAVIS of Piscataquis,
MITCHELL of Penobscot, SAVAGE of Knox, Representatives: CLOUGH of Scarborough,
CUMMINGS of Portland, McKENNEY of Cumberland.

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

Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A, as amended by PL 1991, c. 602, §1 and affected by §4 and affected by PL 1995, c. 610, §2, is further amended to read:

A. Equivalent instruction alternatives are as follows.

(1) A person 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~~

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

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

(2) A student 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 may review the application and submit comments on the application to the commissioner within 30 days of receipt of the application. Within 60 days of receipt of the application, 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 an

2 application is approved, the commissioner shall send
3 notice of the approval to the local board. Notice
4 provided to local boards under this section of
5 applications for approval of equivalent instruction
6 through home instruction and of the commissioner's
7 decision on those applications is only for
8 informational purposes. Local boards are not required
9 to play any role in the application, review and
10 approval, or oversight of home instruction programs.

11 (4) The following provisions govern a home instruction
12 program.

13 (a) The person responsible for ensuring a child's
14 attendance shall provide a written notice of
15 intent to provide home instruction to the
16 commissioner within 14 calendar days of the
17 beginning of home instruction. The notice must
18 contain the following information:

19 (i) The name, signature and address of the
20 person responsible for ensuring the child's
21 attendance;

22 (ii) The name and age of the child;

23 (iii) The date the home instruction program
24 will begin; and

25 (iv) A statement of assurance that indicates
26 the home instruction program will provide at
27 least 175 days annually of instruction and
28 will provide instruction in the following
29 subject areas: English and language arts,
30 math, science, social studies, physical
31 education, health education, library skills,
32 fine arts and in at least one grade from
33 grade 6 to 12, Maine studies. At one grade
34 level from grade 7 to 12, the student will
35 demonstrate proficiency in the use of
36 computers.

37 (b) On or before September 1st of each subsequent
38 year of home instruction, the person responsible
39 for ensuring a child's attendance shall file a
40 letter with the commissioner stating the intention
41 to continue providing home instruction.

42 (c) Dissemination of any information filed under
43 this subparagraph is governed by the provisions of
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2 the federal Family Educational Rights and Privacy
4 Act of 1974, 20 United States Code, Section 1232g
6 (2002) and the federal Education for All
8 Handicapped Children Act of 1975, 20 United States
10 Code, Sections 1401 to 1487 (2002), except that
12 "directory information," as defined by the federal
14 Family Educational Rights and Privacy Act of 1974
 is considered confidential and is not subject to
 public disclosure unless the parent specifically
 permits disclosure in writing or a judge orders
 otherwise. Annual notice regarding the privacy
 provisions of this division must be provided by
 the department to all individuals who file a
 notice of intent to provide home instruction.

16 **Sec. 2. 20-A MRSA §5021, first ¶,** as enacted by PL 1995, c.
18 610, §1, is amended to read:

 A school administrative unit shall conform to the following
20 standards in making public school resources and services
 available to a student enrolled in an equivalent instruction
22 program approved by the commissioner pursuant to section 5001-A,
 subsection 3, paragraph A, subparagraph (3) or enrolled in a home
24 instruction program under section 5001-A, subsection 3, paragraph
 A, subparagraph (4) for a student otherwise eligible to attend
26 school in that school administrative unit.

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SUMMARY

 This bill provides that a child is excused from attending a
32 public day school if the person responsible for ensuring the
 child's attendance provides a written notice of intent to provide
34 home instruction to the Commissioner of Education within 14
 calendar days of the beginning of home instruction. This notice
36 must contain a statement of assurance that the home instruction
 program will provide 175 days of instruction annually and provide
38 instruction in the following subjects: English and language
 arts, math, science, social studies, physical education, health
40 education, library skills, fine arts and, in at least one grade
 from grade 6 to 12, Maine studies. A home instruction program
42 must also provide that, at one grade level from grade 7 to 12,
 the student must demonstrate proficiency in the use of computers.