

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1130

H.P. 833

House of Representatives, March 4, 2003

### **An Act To Protect Children from Classes Contradictory to Their Religious Beliefs**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DUPREY of Hampden.  
Cosponsored by Representatives: ANNIS of Dover-Foxcroft, BERRY of Belmont, CRESSEY of Baldwin, DAVIS of Falmouth, GLYNN of South Portland, HEIDRICH of Oxford, TOBIN of Dexter, Senator: GILMAN of Cumberland.

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

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**Sec. 1. 20-A MRSA §5001-A, sub-§2, ¶C,** as amended by PL 1985, c. 123, §1, is further amended to read:

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C. A person whose absence is excused under section 5051. The parent of an habitual truant who has been denied a waiver of this paragraph, may appeal to the commissioner in accordance with section 5051, subsection 2, paragraph E; or

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**Sec. 2. 20-A MRSA §5001-A, sub-§2, ¶D,** as enacted by PL 1985, c. 123, §2, is amended to read:

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D. A person who has matriculated and is attending an accredited, ~~post-secondary~~ postsecondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or

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**Sec. 3. 20-A MRSA §5001-A, sub-§2, ¶E** is enacted to read:

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E. A person who is absent from a course when the course content conflicts with the sincerely held religious beliefs and practices of that person or that person's parent or guardian and when the person has been provided with an accommodation in accordance with subsection 8.

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**Sec. 4. 20-A MRSA §5001-A, sub-§8** is enacted to read:

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**8. Accommodation for conflict with sincerely held religious beliefs or practices.** A student must be provided with an accommodation under rules established by the commissioner for a course required by a public day school when the course content conflicts with the sincerely held religious beliefs and practices of the student or the student's parent or guardian. The following conditions apply for persons seeking an accommodation under this section.

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A. The student or the student's parent or guardian who wishes to obtain an accommodation under this subsection shall submit a completed application for an accommodation simultaneously to the local board and to the commissioner. The application must indicate:

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(1) That a conflict exists with course content and the sincerely held religious beliefs and practices of the student or the student's parent or guardian; and

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(2) That the parent or guardian provides permission for the student to leave school for the purpose of

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2                   obtaining an instructional alternative for that course  
3                   in accordance with this subsection.

4                   B. The local board may review the application and submit  
5                   comments on the application to the commissioner within 15  
6                   days of receipt of the application. Within 45 days of  
7                   receipt of the application, the commissioner, using state  
8                   criteria established by rule, shall decide whether to  
9                   approve the accommodation application. If the commissioner  
10                  denies the application, the applicant may, within 15 days of  
11                  receiving the denial, amend and resubmit the application  
12                  directly to the commissioner. The commissioner shall make a  
13                  decision within 15 days of receiving the amended  
14                  application. If an application is approved, the  
15                  commissioner shall send notice of the approval to the local  
16                  board. Notice provided to local boards under this paragraph  
17                  of applications for accommodation and of the commissioner's  
18                  decision on those applications is only for informational  
19                  purposes. Local boards are not required to play any role in  
20                  the application, review and approval or oversight of  
21                  accommodation programs.

22                   C. Instructional alternatives available to a student who  
23                   desires an accommodation for a course under this subsection  
24                   must include the alternatives provided under subsection 3,  
25                   paragraph A and the alternative provided under paragraph D.

26                   D. A student who has been provided with an accommodation  
27                   for a course under this subsection may substitute a study  
28                   hall or another course acceptable to the student or the  
29                   student's parent on behalf of the student.

30                   E. A student who has been provided with an accommodation  
31                   for a course under this subsection has up to one academic  
32                   year, including the summer following the school year in  
33                   which the accommodation was granted, to satisfactorily  
34                   complete the requirements of the course for which the  
35                   student has received the accommodation through the  
36                   successful completion of an instructional alternative for  
37                   that course.

38                   F. The student or the student's parent or guardian on  
39                   behalf of the student shall present written evidence that  
40                   the student has satisfactorily passed the subject matter in  
41                   the required course for which the accommodation was granted  
42                   through the successful completion of an instructional  
43                   alternative for that course. Course credits awarded must be  
44                   consistent with the provisions under section 5022,  
45                   subsection 2.

46                   G. The commissioner shall adopt or amend rules to  
47                   accomplish the purposes of this subsection. Rules adopted  
48                   pursuant to this subsection are routine technical rules as  
49                   defined in Title 5, chapter 375, subchapter 2-A.

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## SUMMARY

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6 Current law and rules of the Department of Education include  
accommodation provisions for instances when course content  
8 conflicts with sincerely held religious beliefs and practices of  
a student or a student's parent or guardian. This bill provides  
the procedures by which a student may be granted an excused  
10 absence from a course when course content conflicts with  
sincerely held religious beliefs and practices of the student or  
12 of the student's parent or guardian. The bill also provides the  
instructional alternatives available to such students and the  
14 procedures for receiving academic credit for these instructional  
alternatives. The bill also requires the Commissioner of  
16 Education to establish or amend rules to accomplish this purpose.