

MAINE STATE LEGISLATURE

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L.D. 1197

Date: 6/7/11

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 888, L.D. 1197, Bill, "An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §4772-B is enacted to read:

§4772-B. Students receiving homeschool instruction

A student is eligible to receive a state subsidy for postsecondary courses, as specified in section 4775, if the student is receiving home instruction in a program that meets the requirements of section 5001-A, subsection 3, paragraph A, subparagraph (4) and the eligible institution:

1. Space available. Has space available for the student;

2. Course prerequisites. Has determined that the student has satisfactorily completed all course prerequisites; and

3. Academic fitness. Reviews all requested evidence of the student's academic fitness and gives its approval for the student to take the requested course or courses.

A student who meets the requirements of this section is eligible to participate in postsecondary courses at an eligible institution under this section, subject to the requirements and conditions of sections 4774 to 4776. Notwithstanding section 15672, subsection 32, a student described in this section is considered to be a subsidizable pupil for purposes of receiving the subsidy provided in this chapter.

Sec. 2. 20-A MRSA §5021, sub-§3, as enacted by PL 1995, c. 610, §1, is repealed and the following enacted in its place:

3. Special education and related services. For purposes of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., a student enrolled in a home instruction program that meets the requirements of section 5001-A,

COMMITTEE AMENDMENT

1 subsection 3, paragraph A, subparagraph (4) is deemed to be a private school student and
2 must be provided with the same special education and related services as students
3 enrolled in private schools. The special education services must be provided on the
4 premises of the school administrative unit unless the school administrative unit
5 determines another location is more appropriate.

6 **Sec. 3. Application of postsecondary course enrollment and subsidy**
7 **provisions.** A student in a home instruction program is eligible for the subsidy for
8 postsecondary enrollment, as provided in this Act, for the entire 2011-2012 school year,
9 as long as the student enrolls in the course after July 1, 2011 and the student otherwise
10 meets the eligibility criteria.'

11 **SUMMARY**

12 This amendment replaces the bill and clarifies that a student receiving homeschool
13 instruction is eligible for a state tuition subsidy for postsecondary courses taken under the
14 Maine Revised Statutes, Title 20-A, chapter 208-A as long as the criteria for participation
15 are met. This amendment also clarifies that a student receiving homeschool instruction
16 is eligible for special education services in the same manner that students enrolled in a
17 private school are eligible for these services.

FISCAL NOTE REQUIRED
(See attached)



125th MAINE LEGISLATURE

LD 1197

LR 1000(02)

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

State Mandates

Required Activity

Requires school administrative units to provide special education services to home schooled students in the same manner as provided to private school students.

Unit Affected

School

Local Cost

Moderate statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

Additional costs to school administrative units to meet with parents of home schooled students to determine what services the SAU can provide can not be determined at this time and will depend on the number of home schooled students who need special education services want those services to be provided by the SAU. Since federal law requires that a portion of the federal special education funding that is allocated to each SAU be set aside for serving private school students, the additional cost of providing services to home schooled students would be absorbed within each SAU's federal funding that has been set aside. This may result in fewer services being provided to private school students.

The Department of Education has indicated that the funding currently included in LD 1043, the Governor's proposed budget for the 2012-2013 biennium for post secondary course payments should be sufficient to cover the participation of students who are home schooled.