# MAINE STATE LEGISLATURE

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withhold approval.

Date: 4 9 13

(Filing No. H-53)

3	EDUCATION AND CULTURAL AFFAIRS				
4	Reproduced and distributed under the direction of the Clerk of the House.				
5	STATE OF MAINE				
6	HOUSE OF REPRESENTATIVES				
7	126TH LEGISLATURE				
8	8 FIRST REGULAR SESSION				
9 10 11	COMMITTEE AMENDMENT "A" to H.P. 74, L.D. 92, Bill, "An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities"				
12 13	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:				
14 15	'Sec. 1. 20-A MRSA §5021-A, first ¶, as enacted by PL 2011, c. 456, §1, is amended to read:				
16 17 18 19 20 21 22 23 24 25	A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in an equivalent instruction program. For the purposes of this section, "student enrolled in an equivalent instruction program" means a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory, when the student is enrolled in an equivalent instruction program in a private school that recognized as an equivalent instruction alternative under section 5001-A, subsection paragraph A, subparagraph (1), division (a) or (b) and that is not a member of a association that promotes, organizes or regulates statewide interscholastic activities is both public and private schools.				
26 27	<b>Sec. 2. 20-A MRSA §5021-A, sub-§1, ¶A,</b> as enacted by PL 2011, c. 456, §1, is amended to read:				
28 29 30	A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. The principal or the principal's designee may withhold approval				

Sec. 3. 20-A MRSA §5021-A, sub-§1,  $\P C$  is enacted to read:

only if the school does not have the capacity to provide the student with the opportunity to participate in the cocurricular activity. If approval is withheld, the

principal or the principal's designee must provide a written explanation to the student

or the student's parent or guardian stating the reason or reasons for the decision to

## COMMITTEE AMENDMENT "A" to H.P. 74, L.D. 92

1 2	C. The private school the student attends does not provide the same cocurricular activity.				
3 4	Sec. 4. 20-A MRSA §5021-A, sub-§2, ¶A, as enacted by PL 2011, c. 456, §1, is amended to read:				
5 6 7 8 9 10 11	A. The student applies for and receives written approval from the principal of the school or the principal's designee, who may withhold such approval only if the school does not have the capacity to provide the student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval.				
12	Sec. 5. 20-A MRSA §5021-A, sub-§2, ¶F is enacted to read:				
13 14	F. The private school the student attends does not provide the same extracurricular or interscholastic activity.'				
15	SUMMARY				
16	This amendment strikes and replaces the bill.				
17 18 19	The amendment limits public school resources and services available to students enrolled in private schools to only those students enrolled in certain private schools recognized by the Department of Education as providing equivalent instruction.				
20 21 22 23 24 25 26	The amendment provides that the principal of a public school may deny the request of a student enrolled in an equivalent instruction program to participate in a cocurricular extracurricular or interscholastic activity only if the school does not have the capacity to provide the student with the opportunity to participate in the activity. If approval for participation is withheld by the principal, the principal must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision.				
27 28 29 30	The amendment provides that a student enrolled in an equivalent instruction program is not eligible to participate in a cocurricular, interscholastic or extracurricular activity at a public school if the private school the student attends already provides that same activity.				
31	FISCAL NOTE REQUIRED				
32	(See attached)				



## 126th MAINE LEGISLATURE

LD 92

LR 616(02)

An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-53)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### **Fiscal Note**

Potential State Mandate - Unfunded

#### **State Mandates**

Required Activity  Limits the ability of a public school principal or	programs from participating in its	School	Insignificant statewide
Requires principal to provide written explanation parent/guardian if approval is withheld.	to student or student's	School	Insignificant 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.