

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1420

S.P. 531

In Senate, May 19, 2015

An Act Regarding Participation by Private School Students in Extracurricular and Interscholastic Activities at Public Schools

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative KRUGER of Thomaston and
Senators: LANGLEY of Hancock, LIBBY of Androscoggin, MILLETT of Cumberland,
PATRICK of Oxford, Representatives: KORNFIELD of Bangor, TIPPING-SPITZ of Orono.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation affects the eligibility of certain students for sports teams
4 and other extracurricular and interscholastic activities; and

5 **Whereas,** this 90-day period may not expire until after schools set their calendar for
6 those activities for the fall; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 20-A MRSA §5021-A, sub-§2,** as amended by PL 2013, c. 428, §§4 and
13 5, is further amended to read:

14 **2. Participation in extracurricular and interscholastic activities.** A student
15 enrolled in an equivalent instruction program in a private school that is recognized or
16 approved as an equivalent instruction alternative under section 5001-A, subsection 3,
17 paragraph A, subparagraph (1), division (a) or (b) is eligible to try out for extracurricular
18 and interscholastic activities sponsored by the local school unit as long as the following
19 requirements are satisfied.

20 A. The student applies for and receives written approval from the principal of the
21 school or the principal's designee, who may withhold such approval only if the school
22 does not have the capacity to provide the student with the opportunity to participate
23 in the extracurricular or interscholastic activity. If approval is withheld, the principal
24 or the principal's designee must provide a written explanation to the student or the
25 student's parent or guardian stating the reason or reasons for the decision to withhold
26 approval.

27 B. The student agrees to abide by rules of participation equivalent to those applicable
28 to regularly enrolled students participating in the activity and provides evidence that
29 the rules of participation are being met.

30 C. The student complies with the same physical examination, immunization,
31 insurance, age and semester eligibility requirements as regularly enrolled students
32 participating in the activity. All required documentation must be made available
33 upon request by the local school unit.

34 D. The student meets academic standards equivalent to those established for
35 regularly enrolled students participating in the activity and provides evidence that the
36 academic standards are being met.

37 E. The student abides by the same transportation policy as regularly enrolled
38 students participating in the activity.

1 F. The private school the student attends does not provide the same extracurricular or
2 interscholastic activity.

3 **Emergency clause.** In view of the emergency cited in the preamble, this
4 legislation takes effect when approved.

5 **SUMMARY**

6 Current law allows a student at a private school that is recognized by the Department
7 of Education as providing an equivalent instruction alternative to try out for
8 extracurricular or interscholastic activities at a public school if the private school the
9 student attends does not offer the same extracurricular or interscholastic activities, the
10 principal of the public school approves and the student agrees to abide by other
11 conditions.

12 This bill extends the same privilege to a student enrolled in an equivalent instruction
13 program at a private school that is approved for attendance purposes by the Department
14 of Education. Private schools that are approved by the department must meet standards
15 for hygiene, health and safety and either be accredited by the New England Association
16 of Schools and Colleges or meet applicable requirements of Maine law pertaining to
17 private schools and the department's requirements for approval for attendance purposes.