

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

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

Effective July 19, 2013.

**CHAPTER 428
H.P. 74 - L.D. 92**

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

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §5021-A, first ¶, as enacted by PL 2011, c. 456, §1, is amended to read:

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 is recognized as an equivalent instruction alternative under section 5001-A, subsection 3, paragraph A, subparagraph (1), division (a) or (b) ~~and that is not a member of an association that promotes, organizes or regulates statewide interscholastic activities in both public and private schools.~~

Sec. 2. 20-A MRSA §5021-A, sub-§1, ¶A, as enacted by PL 2011, c. 456, §1, is amended to read:

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 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 rea-

son or reasons for the decision to withhold approval.

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

C. The private school the student attends does not provide the same cocurricular activity.

Sec. 4. 20-A MRSA §5021-A, sub-§2, ¶A, as enacted by PL 2011, c. 456, §1, is amended to read:

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.

Sec. 5. 20-A MRSA §5021-A, sub-§2, ¶F is enacted to read:

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

See title page for effective date.
