

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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Sec. 2. 20-A MRSA §5021, sub-§3, as enacted by PL 1995, c. 610, §1, is repealed and the following enacted in its place: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, subsection 3, paragraph A, subparagraph (4) is deemed to be a private school student and must be provided with the same special education and related services as students enrolled in private schools. The special education services must be provided on the premises of the school administrative unit unless the school administrative unit determines another location is more appropriate.

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

SUMMARY

This amendment replaces the bill and clarifies that a student receiving homeschool instruction is eligible for a state tuition subsidy for postsecondary courses taken under the Maine Revised Statutes, Title

20-A, chapter 208-A as long as the criteria for participation are met. This amendment also clarifies that a student receiving homeschool instruction is eligible for special education services in the same manner that students enrolled in a private school are eligible for these services.