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Legislative Document

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H.P. 311

House of Representatives, February 11, 2025

**An Act to Expand Educational Opportunities and Broaden
Educational Services for Students Enrolled in Equivalent
Instruction Programs**

Received by the Clerk of the House on February 6, 2025. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BAGSHAW of Windham.
Cosponsored by Senator LIBBY of Cumberland and
Representatives: CIMINO of Bridgton, COLLINS of Sidney, HAGGAN of Hampden,
HASENFUS of Readfield, MATHIESON of Kittery, Senators: BENNETT of Oxford,
HAGGAN of Penobscot, STEWART of Aroostook.

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

2 **Sec. 1. 20-A MRSA §5021**, as amended by PL 2005, c. 151, §1, is further amended
3 to read:

4 **§5021. Standards for participation in public schools by students enrolled in**
5 **equivalent instruction programs**

6 A school administrative unit shall conform to the following standards in making public
7 school resources and services available to a student enrolled in ~~a home~~ an equivalent
8 instruction program under section 5001-A, subsection 3, paragraph A, subparagraph (4)
9 ~~for~~. For the purposes of this section, "student enrolled in an equivalent instruction program"
10 means a student otherwise eligible to attend school in that school administrative unit,
11 including a student who resides in the unorganized territory, when the student is enrolled
12 in an equivalent instruction program. For the purposes of this section, "equivalent
13 instruction program" means a school or instruction program that is recognized as an
14 equivalent instruction alternative under section 5001-A, subsection 3, paragraph A,
15 subparagraph (1).

16 **1. Participation in regular classes.** A student ~~receiving home instruction~~ enrolled in
17 an equivalent instruction program may enroll and participate in specific day school classes
18 at the appropriate public school if each of the following conditions is met.

19 A. The student, or the student's parent or guardian, on the student's behalf, applies in
20 writing to ~~and receives written approval from~~ the superintendent or the superintendent's
21 designee. Approval for enrollment may not be unreasonably withheld by the
22 superintendent or the superintendent's designee.

23 B. The student ~~can demonstrate prior satisfactory~~ demonstrates academic achievement
24 consistent with school administrative unit policy and procedures applicable to all
25 students.

26 C. The student ~~shall comply~~ complies with behavioral, disciplinary, attendance and
27 other classroom rules applicable to all students. If a student fails to comply, the school
28 may withhold credit or terminate the student's participation.

29 D. Transportation ~~must be~~ is provided by the parent or guardian or student. The
30 student may use the same transportation as all other students in the school
31 administrative unit, as long as additional expenses are not incurred.

32 E. The student ~~shall complete~~ completes all assignments and tests as required of all
33 students in the class.

34 F. ~~A home-schooled student may audit a course in accordance with established local~~
35 ~~policy at the appropriate public school under the following conditions:~~

36 (1) ~~The student or the student's parent or guardian, on behalf of the student, applies~~
37 ~~in writing to and receives written approval from the superintendent or the~~
38 ~~superintendent's designee to audit a specific course or courses. Participation may~~
39 ~~not be unreasonably withheld.~~

40 (2) ~~The student agrees to meet established behavioral, disciplinary, attendance and~~
41 ~~other classroom rules applicable to all students. If a student fails to comply, the~~
42 ~~school may terminate participation.~~

1 **1-A. Auditing courses in public school.** A student enrolled in an equivalent
2 instruction program may audit a course in accordance with established local policy at the
3 appropriate public school under the following conditions.

4 A. The student, or the student's parent or guardian on behalf of the student, applies in
5 writing to the superintendent or the superintendent's designee to audit a specific course
6 or courses. Participation may not be unreasonably withheld.

7 B. The student agrees to meet established behavioral, disciplinary, attendance and
8 other classroom rules applicable to all students. If a student fails to comply, the school
9 may terminate the student's participation.

10 **2. Academic credit.** A student ~~receiving home-school instruction~~ enrolled in an
11 equivalent instruction program must receive academic credit subject to the following
12 requirements.

13 A. Academic credit for individual courses must be awarded if the student meets
14 required academic standards applicable to all students enrolled in the same course.

15 B. Academic credit must be awarded for successful completion of alternative
16 instruction opportunities sponsored by the school and available to all students.

17 **3. Special education services.** A student ~~receiving home-school instruction~~ enrolled
18 in an equivalent instruction program is eligible for special education services, as provided
19 under federal regulations, in accordance with section 5001-A and relevant department
20 procedures and standards.

21 **4. Participation in cocurricular activities.** A student ~~receiving home-school~~
22 ~~instruction~~ enrolled in an equivalent instruction program is eligible to participate in
23 cocurricular activities sponsored by the ~~local~~ school administrative unit provided the
24 following requirements are met.

25 A. The student, or the student's parent or guardian, on behalf of the student, applies in
26 writing to and receives written approval from the principal of the school or the
27 principal's designee. Participation may not be unreasonably withheld.

28 B. The student agrees to meet established behavioral, disciplinary, attendance and
29 other rules applicable to all students.

30 **5. Participation in extracurricular activities.** Students ~~receiving home-school~~
31 ~~instruction~~ enrolled in an equivalent instruction program are eligible to try out for
32 extracurricular activities sponsored by the ~~local~~ school administrative unit, provided the
33 student applies in writing, if the following requirements are satisfied.

34 A. The student agrees to abide by equivalent rules of participation as are applicable to
35 regularly enrolled students participating in the activity and provides evidence that the
36 rules of participation are being met.

37 B. The student complies with the same physical examination, immunization,
38 insurance, age and semester eligibility requirements as regularly enrolled students
39 participating in the activity. All required documentation must be made available upon
40 request by the school administrative unit.

1 C. The student meets equivalent academic standards as those established for regularly
2 enrolled students participating in the activity and provides evidence that the academic
3 standards are being met.

4 D. The student abides by the same transportation policy as regularly enrolled students
5 participating in the activity.

6 **6. Use of school facilities and equipment.** A student ~~receiving home school~~
7 instruction enrolled in an equivalent instruction program may use public school facilities
8 and equipment on the same basis as regularly enrolled students if the following conditions
9 are met:

10 A. Use does not disrupt regular school activities;

11 B. Use is approved by the school principal in accordance with established school
12 policy;

13 C. Use does not create additional expense to the school administrative unit;

14 D. Use is directly related to the student's academic program; and

15 E. Use of potentially hazardous areas, such as shops, laboratories and the gymnasium,
16 is supervised by a qualified employee of the school administrative unit.

17 **6-A. Use of public facilities.** An equivalent instruction program may enter into an
18 agreement to use facilities on property owned or leased by a library, community service
19 organization, museum, performing arts venue, theater, cinema or church facility if:

20 A. The property is being used solely for the purpose of operating a facility described
21 in this subsection;

22 B. The facility is or was actively used for the purpose of operating a facility described
23 in this subsection within 5 years of any executed agreement for an equivalent
24 instruction program to use the facility; and

25 C. The facility follows the state and local health, safety and welfare laws, codes and
26 rules applicable to that facility, including fire safety and building safety.

27 **7. Use of school textbooks and library books.** Subject to availability, a student
28 ~~receiving home instruction~~ enrolled in an equivalent instruction program may use school
29 textbooks if the number of particular copies ~~are~~ is sufficient and library books owned by
30 the school administrative unit subject to the following conditions:

31 A. Use does not disrupt regular student, staff or special program functions;

32 B. The student's sign-out period for a library book is the same as that applicable to
33 regularly enrolled students;

34 C. The student may sign out a textbook for a period not to exceed one year; and

35 D. The parent or guardian and student agree to reimburse the school administrative
36 unit for lost, unreturned or damaged library books and textbooks and for consumable
37 supplies used.

38 **8. Reimbursement for students enrolled in equivalent instruction programs.** A
39 school administrative unit is entitled to receive state subsidy for any student who receives
40 instruction through one or more on-site academic courses from a public school but is not a
41 full-time student. A school administrative unit that sends any tuition student to another

1 school administrative unit or to a private school approved pursuant to chapter 219 is also
2 entitled to receive state subsidy under this subsection. The rate of reimbursement must be
3 established in increments of 0.25 full-time equivalent status up to 1.0 full-time equivalent
4 status based on the average amount of time per day that a student receives on-site academic
5 services from a public school. School administrative units shall keep an accurate count of
6 the number of students receiving on-site academic services and shall include the full-time
7 equivalency status of these students in the annual count of students attending school in
8 accordance with section 6004.

9 **Sec. 2. 20-A MRS §5021-A**, as amended by PL 2013, c. 428, §§1 to 5, is repealed.

10 SUMMARY

11 This bill modifies the provisions of law governing standards for participation in public
12 school by students who are enrolled in equivalent instruction programs. Equivalent
13 instruction programs include home instruction programs, private schools or other
14 alternative arrangements approved by the Commissioner of Education. Current law
15 provides different standards for participation in public school for students enrolled in home
16 instruction programs as opposed to students enrolled in certain recognized private schools.
17 The bill amends the law to provide one set of standards to apply to all types of equivalent
18 instruction programs.

19 The bill makes changes related to the approval process that a student enrolled in an
20 equivalent instruction program must follow to participate in regular classes in a public
21 school. These changes include eliminating the requirement that a student receive written
22 approval from the superintendent or the superintendent's designee to enroll in or audit a
23 course and modifying the terms used to describe the academic achievement a student must
24 demonstrate in order to participate.

25 The bill allows an equivalent instruction program to use facilities on property owned
26 or leased by a library, community service organization, museum, performing arts venue,
27 theater, cinema or church facility if the property is being used solely for the purpose of
28 operating a type of facility described in the bill, the facility is or was actively used for one
29 of those purposes within 5 years of any executed agreement for the equivalent instruction
30 program to use that facility and the facility follows the state and local health, safety and
31 welfare laws, codes and rules applicable to that facility, including fire safety and building
32 safety.