

Maine Education Association

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Testimony

In Opposition To

LD 482: An Act to Expand Educational Opportunities and Broaden Educational Services for Students Enrolled in Equivalent Instruction Programs

Jan Kosinski, Government Relations Director, Maine Education Association

Before the Education and Cultural Affairs Committee

March 12th, 2025

Senator Rafferty, Representative Murphy, and other members of the Education and Cultural Affairs Committee,

My name is Jan Kosinski, and I am the Director of Government Relations for the Maine Education Association (MEA). The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program.

I offer this testimony today on behalf of the MEA in OPPOSITION to LD 482, *An Act to Expand Educational Opportunities and Broaden Educational Services for Students Enrolled in Equivalent Instruction Programs*, as amended.

We support home schooled students and students in private schools availing themselves to the programs and high-quality educational opportunities offered by our public schools. While the intent of this bill is laudable, we have several concerns with the amended version of the bill before you that causes us to oppose this bill.

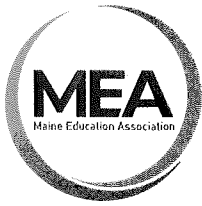
First, we appreciate Section 1.8 of the bill proposes to provide state subsidy and financial support to pay for the costs of students in equivalent instruction programs who take advantage of the public-school programs. However, while this section could impact the student counts and could impact the amount of state subsidy a school district receives, it is important to note that no school receives 100% state aid. Some districts may receive as much as 80% of their funding from the state, but that still leaves a local cost of at least 20%. This proposal therefore will cost local money that districts may not have accounted for.

Along the same lines, we have over eighty school districts who are now “minimum receivers” and therefore they only receive state support for their special education programs. For these districts, the entire cost of participation of home schooled and private school students will be paid by local taxpayers. Given this, we expect the bill, as amended, will be deemed a mandate, and thus require either 2/3rds support in both chamber or the increased costs will need to be paid for by the state.

We also have concerns about Sec1.3 in the proposal. Current law states “[a] student receiving **home-school instruction** is eligible for special education services, as provided under federal regulations, in accordance with section 5001-A and relevant department procedures.” (Title 20-A, 5012.3) Yet the proposal before you changes this language to allow students in private schools to access the public schools for special education services. The language changes “a student receiving home-school instruction” to a student “enrolled in an equivalent instruction program.” This could allow private schools to shun their responsibility to provide the special education services

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students need and instead push that responsibility, and the cost, onto public schools. It is unclear if and how public schools will be reimbursed for these special education services for students enrolled in private schools.

The amended version of the bill contains similar changes to the current language that governs participation in extracurricular and cocurricular activities for home schooled students and widens the application for those sections of law to include private school students. However, Section 2 of the amended bill repeals important caveats in Title 20-A MRSA Section 5021-A that currently governs the participation of private school students in public school extracurricular or cocurricular activities. Sections 1 and 2 of 5021-A allows students from private schools to participate in these activities but includes the following provisions:

Section 1 and 2 of Title 20-A, 5021-A:

“The student or the student’s parents or guardian, on behalf of the student, applies in writing to and receives written approval from the principal or the school principal’s designee. The principal or the principal’s designee may withhold approval only if the school does not have capacity to provide the student with the opportunity to participate in the [cocurricular/extracurricular/interscholastic] activity. If approval is withheld, the principal or the principal’s designee must provide a written explanation to the student or the students parent or guardian stating the reason or reasons for the decision to withhold approval.”

The current language allows schools to accommodate public school students first. We think this is wise policy. We would hate to see a public-school student prohibited from participating with his/her peers because a private school student bumped them.

What is more, the repeal called for in the amended version of LD 482 would also remove the language that allows a private school student to participate in extra or cocurricular activities at a public school if “the private school the student attends does not provide the same cocurricular activity.” The repeal of this language is troubling. Athletic programs should always take a back seat to academics, but we all know that for some students and parents high school athletic programs are a driving influence. But we do not want to see athletic programs start to poach students from other schools to improve their programs. School athletic programs should focus on teaching students about hard work, improvement through practice, endurance, and teamwork – not dominating other teams or finding ways to recruit students to certain programs. We think the current language should remain intact.

Thank you for your attention and your time and I will do my best to answer any questions you may have.