

TESTIMONY IN OPPOSITION TO

L.D. 482

AN ACT TO EXPAND EDUCATIONAL OPPORTUNITIES AND  
BROADEN EDUCATIONAL SERVICES FOR STUDENTS ENROLLED  
IN EQUIVALENT INSTRUCTION PROGRAMS

March 12, 2025

Senator Rafferty, Representative Noonan Murphy and members of the Education and Cultural Affairs Committee. I am Steven Bailey, the executive director for Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 482

The summary of this bill spells out clearly why this is not a bill that MSSA or MSBA can support. This bill is aimed at simplifying circumstances for when a homeschooled or private school student can access services by a public school.

Maine public schools are committed to working with parents and other institutions to ensure students have the support and programming they need. And our statutes already allow for these families to access services ranging from extracurriculars to enriching academic experiences. It also allows for a balanced consideration of the needs of the student and school system as a whole.

The approach outlined in L.D. 482 would alter this system and instead turn it into the ultimate opportunity for school choice – allowing a student to pick and choose services a family may want for their child, while requiring the public school, at public expense, to have available for any and all students the services requested by these students who are not fully enrolled in the school district's programs.

Certain aspects of the bill are not acceptable. These include:

- Removing the written approval of the superintendent or the superintendent's designee for the student to enroll and participate in specific day school classes at the requested school.
- The pulling out of the auditing of courses from 1.F of §5021, the description used for a home instruction program. This change would make the auditing of courses available to students from any equivalent instruction programs, without a superintendent's approval.
- The biggest exception: allowing special education services for students enrolled in an equivalent instruction program. This is currently only allowed for students in home school instruction programs, but not required for students in equivalent instruction (private school programs).

All of these changes would remove local control and place a substantial burden on local districts. These changes would now allow any families with students outside of the public school system to pick and choose

public school opportunities. This would place more of a responsibility on local school districts to automatically accept these students, often with limited funding attached – while removing the ability of a local superintendent and school board to consider capacity, finances, and other important factors.

School districts must be able to plan for the needs of their enrolled students and the overall school community, provide free and appropriate specially designed instruction for students with special needs, and provide funding for these services to be provided. This bill removes that basic ability to plan for student needs and would instead create uncertainty and unpredictability.

This would also be costly. The students addressed in this bill are only partially enrolled in their district's educational program. Funding in the form of state subsidy for students enrolled in equivalent instruction programs comes back at a reduced rate. The rate of reimbursement must be in increments of 25%, up to 1.0 full-time equivalent status, based on the average amount of time per day that a student receives on-site academic services from a public school. The more than 80 "minimum receiver" school districts receive virtually no subsidy for these students (only 50% of the cost of special education costs two years after the year of the expense).

In some cases, these funds would not be able to cover the added responsibilities outlined in this bill. Districts would have to increase school budgets, forcing them to either raise local taxes or make cuts to other local programming to compensate.

Maine communities are required to fund education for students who live within their towns and do so through their public schools. The legislative committees of MSSA and MSBA think the current distinctions between home school instruction and equivalent instruction received through private schools should remain, with legislation not changing. We urge the committee to vote no on L.D. 482.