



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 61

H.P. 53

House of Representatives, January 22, 2013

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**An Act To Amend Standards for Participation in Certain Public  
School Services by Students Who Are Homeschooled**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative ESPLING of New Gloucester.  
Cosponsored by Senator BURNS of Washington and  
Representatives: CRAFTS of Lisbon, GUERIN of Glenburn, MAKER of Calais.

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

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

7           **Sec. 1. 20-A MRSA §4772-B** is enacted to read:

8           **§4772-B. Students receiving homeschool instruction**

9           A student is eligible to receive a state subsidy for postsecondary courses, as specified  
10 in section 4775, if the student is receiving home instruction in a program that meets the  
11 requirements of section 5001-A, subsection 3, paragraph A, subparagraph (4) and the  
12 eligible institution:

13           **1. Space available.** Has space available for the student;

14           **2. Course prerequisites.** Has determined that the student has satisfactorily  
15 completed all course prerequisites; and

16           **3. Academic fitness.** Reviews all requested evidence of the student's academic  
17 fitness and gives its approval for the student to take the requested course or courses.

18           A student who meets the requirements of this section is eligible to participate in  
19 postsecondary courses at an eligible institution under this section, subject to the  
20 requirements and conditions of sections 4774 to 4776. Notwithstanding section 15672,  
21 subsection 32, a student described in this section is considered to be a subsidizable pupil  
22 for purposes of receiving the subsidy provided in this chapter.

23           **Sec. 2. 20-A MRSA §5021, sub-§3,** as enacted by PL 1995, c. 610, §1, is  
24 repealed and the following enacted in its place:

25           **3. Special education and related services.** For purposes of the federal Individuals  
26 with Disabilities Education Act, 20 United States Code, Section 1400 et seq., a student  
27 enrolled in a home instruction program that meets the requirements of section 5001-A,  
28 subsection 3, paragraph A, subparagraph (4) is deemed to be a private school student and  
29 must be provided with the same special education and related services as students  
30 enrolled in private schools. The special education services must be provided on the  
31 premises of the school administrative unit unless the school administrative unit  
32 determines another location is more appropriate.

33           **Sec. 3. Application of postsecondary course enrollment and subsidy**  
34 **provisions.** A student in a home instruction program is eligible for the subsidy for  
35 postsecondary enrollment, as provided in this Act, for the entire 2013-2014 school year,  
36 as long as the student enrolls in the course after July 1, 2013 and the student otherwise  
37 meets the eligibility criteria.

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## **SUMMARY**

This bill provides that a student receiving homeschool instruction is eligible for a state tuition subsidy for certain postsecondary courses as long as the criteria for participation are met. This bill also provides 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.