



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 92

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H.P. 74

House of Representatives, January 24, 2013

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**An Act Relating to Private School Student Participation in Public  
School Cocurricular, Interscholastic and Extracurricular Activities**

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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 MAKER of Calais.  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: CRAY of Palmyra, DION of Portland, DOAK of Columbia Falls,  
McCLELLAN of Raymond, TIMBERLAKE of Turner, TURNER of Burlington, VOLK of  
Scarborough, WOOD of Sabattus.

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

2 **Sec. 1. 20-A MRSA §5021-A, first ¶**, as enacted by PL 2011, c. 456, §1, is  
3 amended to read:

4 A school administrative unit shall conform to the following standards in making  
5 public school resources and services available to a student enrolled in an equivalent  
6 instruction program. For the purposes of this section, "student enrolled in an equivalent  
7 instruction program" means a student otherwise eligible to attend school in that school  
8 administrative unit, including a student who resides in the unorganized territory, when the  
9 student is enrolled in an equivalent instruction program in a private school that is  
10 recognized as an equivalent instruction alternative under section 5001-A, subsection 3,  
11 paragraph A, subparagraph (1), division (a) ~~or (b) and that is not a member of an~~  
12 ~~association that promotes, organizes or regulates statewide interscholastic activities in~~  
13 ~~both public and private schools.~~

14 **Sec. 2. 20-A MRSA §5021-A, sub-§1, ¶A**, as enacted by PL 2011, c. 456, §1, is  
15 amended to read:

16 A. The student or the student's parent or guardian, on behalf of the student, applies in  
17 writing to and receives written approval from the principal of the school or the  
18 principal's designee. The principal or the principal's designee may not withhold  
19 approval unless the school cannot reasonably accommodate the student's  
20 participation.

21 **Sec. 3. 20-A MRSA §5021-A, sub-§2, ¶A**, as enacted by PL 2011, c. 456, §1, is  
22 amended to read:

23 A. The student applies for and receives written approval from the principal of the  
24 school or the principal's designee, who may not withhold such approval unless the  
25 school cannot reasonably accommodate the student's participation.

26 **SUMMARY**

27 This bill changes the standards for making public school resources and services  
28 available to students enrolled in certain equivalent instruction programs by eliminating  
29 the requirement that resources and services be made available to students in a private  
30 school recognized by the Department of Education as providing equivalent instruction  
31 and by limiting the ability of the public school principal or the principal's designee to  
32 deny participation to situations where the school cannot reasonably accommodate the  
33 student's participation.