

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

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in a home instruction program under section 5001-A, subsection 3, paragraph A, subparagraph (4) for a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory. [PL 2005, c. 151, §1 (AMD).]

**1. Participation in regular classes.** A student receiving home instruction may enroll in specific day school classes at the appropriate public school if each of the following conditions is met.

A. The student or the student's parent or guardian, on the student's behalf, applies in writing to and receives written approval from the superintendent or the superintendent's designee. Approval may not be unreasonably withheld. [PL 1995, c. 610, §1 (NEW).]

B. The student can demonstrate prior satisfactory academic achievement consistent with school unit policy and procedures applicable to all students. [PL 1995, c. 610, §1 (NEW).]

C. The student shall comply with behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may withhold credit or terminate participation. [PL 1995, c. 610, §1 (NEW).]

D. Transportation must be provided by the parent or guardian or student. The student may use the same transportation as all other students in the school unit, as long as additional expenses are not incurred. [PL 1995, c. 610, §1 (NEW).]

E. The student shall complete all assignments and tests as required of all students in the class. [PL 1995, c. 610, §1 (NEW).]

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

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

(2) The student agrees to meet established behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may terminate participation. [PL 1995, c. 610, §1 (NEW).]

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**2. Academic credit.** A student receiving home-school instruction must receive academic credit subject to the following requirements.

A. Academic credit for individual courses must be awarded if the student meets required academic standards applicable to all students enrolled in the same course. [PL 1995, c. 610, §1 (NEW).]

B. Academic credit must be awarded for successful completion of alternative instruction opportunities sponsored by the school and available to all students. [PL 1995, c. 610, §1 (NEW).]  
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**3. Special education services.** 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 and standards.

[PL 1995, c. 610, §1 (NEW).]

**4. Participation in cocurricular activities.** A student receiving home-school instruction is eligible to participate in cocurricular activities sponsored by the local school unit provided the following requirements are met.

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. Participation may not be unreasonably withheld. [PL 1995, c. 610, §1 (NEW).]

B. The student agrees to meet established behavioral, disciplinary, attendance and other rules applicable to all students. [PL 1995, c. 610, §1 (NEW).]

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**5. Participation in extracurricular activities.** Students receiving home-school instruction are eligible to try out for extracurricular activities sponsored by the local school unit, provided the student applies in writing, if the following requirements are satisfied.

A. The student agrees to abide by equivalent rules of participation as are applicable to regularly enrolled students participating in the activity and provides evidence that the rules of participation are being met. [PL 1995, c. 610, §1 (NEW).]

B. The student complies with the same physical examination, immunization, insurance, age and semester eligibility requirements as regularly enrolled students participating in the activity. All required documentation must be made available upon request by the school unit. [PL 1995, c. 610, §1 (NEW).]

C. The student meets equivalent academic standards as those established for regularly enrolled students participating in the activity and provides evidence that the academic standards are being met. [PL 1995, c. 610, §1 (NEW).]

D. The student abides by the same transportation policy as regularly enrolled students participating in the activity. [PL 1995, c. 610, §1 (NEW).]

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**6. Use of school facilities and equipment.** A student receiving home-school instruction may use public school facilities and equipment on the same basis as regularly enrolled students if the following conditions are met:

A. Use does not disrupt regular school activities; [PL 1995, c. 610, §1 (NEW).]

B. Use is approved by the school principal in accordance with established school policy; [PL 1995, c. 610, §1 (NEW).]

C. Use does not create additional expense to the school unit; [PL 1995, c. 610, §1 (NEW).]

D. Use is directly related to the student's academic program; and [PL 1995, c. 610, §1 (NEW).]

E. Use of potentially hazardous areas, such as shops, laboratories and the gymnasium, is supervised by a qualified employee of the school administrative unit. [PL 1995, c. 610, §1 (NEW).]

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**7. Use of school textbooks and library books.** Subject to availability, a student receiving home instruction may use school textbooks if the number of particular copies are sufficient and library books owned by the school unit subject to the following conditions:

A. Use does not disrupt regular student, staff or special program functions; [PL 1995, c. 610, §1 (NEW).]

B. The student's sign-out period for a library book is the same as that applicable to regularly enrolled students; [PL 1995, c. 610, §1 (NEW).]

C. The student may sign out a textbook for a period not to exceed one year; and [PL 1995, c. 610, §1 (NEW).]

D. The parent or guardian and student agree to reimburse the school unit for lost, unreturned or damaged library books and textbooks and for consumable supplies used. [PL 1995, c. 610, §1 (NEW).]

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**8. Reimbursement for students enrolled in equivalent instruction programs.** A school administrative unit is entitled to receive state subsidy for any student who receives instruction through one or more on-site academic courses from a public school but is not a full-time student. A school administrative unit that sends any tuition student to another school administrative unit or to a private school approved pursuant to chapter 219 is also entitled to receive state subsidy under this subsection. The rate of reimbursement must be established in increments of 0.25 full-time equivalent status 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. School administrative units shall keep an accurate count of the number of students receiving on-site academic services and shall include the full-time equivalency status of these students in the annual count of students attending school in accordance with section 6004.

[PL 1999, c. 439, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 610, §1 (NEW). PL 1999, c. 439, §1 (AMD). PL 2003, c. 181, §2 (AMD). PL 2005, c. 151, §1 (AMD).

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