



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1420

S.P. 531

In Senate, May 19, 2015

### **An Act Regarding Participation by Private School Students in Extracurricular and Interscholastic Activities at Public Schools**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.  
Cosponsored by Representative KRUGER of Thomaston and  
Senators: LANGLEY of Hancock, LIBBY of Androscoggin, MILLETT of Cumberland,  
PATRICK of Oxford, Representatives: KORNFIELD of Bangor, TIPPING-SPITZ of Orono.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation affects the eligibility of certain students for sports teams  
4 and other extracurricular and interscholastic activities; and

5           **Whereas,** this 90-day period may not expire until after schools set their calendar for  
6 those activities for the fall; and

7           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
8 the meaning of the Constitution of Maine and require the following legislation as  
9 immediately necessary for the preservation of the public peace, health and safety; now,  
10 therefore,

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

12           **Sec. 1. 20-A MRSA §5021-A, sub-§2,** as amended by PL 2013, c. 428, §§4 and  
13 5, is further amended to read:

14           **2. Participation in extracurricular and interscholastic activities.** A student  
15 enrolled in an equivalent instruction program in a private school that is recognized or  
16 approved as an equivalent instruction alternative under section 5001-A, subsection 3,  
17 paragraph A, subparagraph (1), division (a) or (b) is eligible to try out for extracurricular  
18 and interscholastic activities sponsored by the local school unit as long as the following  
19 requirements are satisfied.

20           A. The student applies for and receives written approval from the principal of the  
21 school or the principal's designee, who may withhold such approval only if the school  
22 does not have the capacity to provide the student with the opportunity to participate  
23 in the extracurricular or interscholastic activity. If approval is withheld, the principal  
24 or the principal's designee must provide a written explanation to the student or the  
25 student's parent or guardian stating the reason or reasons for the decision to withhold  
26 approval.

27           B. The student agrees to abide by rules of participation equivalent to those applicable  
28 to regularly enrolled students participating in the activity and provides evidence that  
29 the rules of participation are being met.

30           C. The student complies with the same physical examination, immunization,  
31 insurance, age and semester eligibility requirements as regularly enrolled students  
32 participating in the activity. All required documentation must be made available  
33 upon request by the local school unit.

34           D. The student meets academic standards equivalent to those established for  
35 regularly enrolled students participating in the activity and provides evidence that the  
36 academic standards are being met.

37           E. The student abides by the same transportation policy as regularly enrolled  
38 students participating in the activity.

1 F. The private school the student attends does not provide the same extracurricular or  
2 interscholastic activity.

3 **Emergency clause.** In view of the emergency cited in the preamble, this  
4 legislation takes effect when approved.

5 **SUMMARY**

6 Current law allows a student at a private school that is recognized by the Department  
7 of Education as providing an equivalent instruction alternative to try out for  
8 extracurricular or interscholastic activities at a public school if the private school the  
9 student attends does not offer the same extracurricular or interscholastic activities, the  
10 principal of the public school approves and the student agrees to abide by other  
11 conditions.

12 This bill extends the same privilege to a student enrolled in an equivalent instruction  
13 program at a private school that is approved for attendance purposes by the Department  
14 of Education. Private schools that are approved by the department must meet standards  
15 for hygiene, health and safety and either be accredited by the New England Association  
16 of Schools and Colleges or meet applicable requirements of Maine law pertaining to  
17 private schools and the department's requirements for approval for attendance purposes.