CHAPTER 117

PRIVATE SCHOOLS

SUBCHAPTER 1

BASIC SCHOOL APPROVAL

§2901. Requirement for basic school approval

A private school may operate as an approved private school for meeting the requirement of compulsory school attendance under section 5001-A if it: [RR 2005, c. 2, §12 (COR).]

1. Hygiene, health, safety. Meets the standards for hygiene, health and safety established by applicable law and rule; and
[PL 1985, c. 797, §20 (AMD).]

2. Is either:

A. Currently accredited by a New England association of schools and colleges; or [PL 2017, c. 342, §1 (AMD).]

B. Meets applicable requirements of this Title pertaining to private schools and the department's requirements for approval for attendance purposes adopted under section 2902. [PL 1985, c. 797, §21 (AMD).]
[PL 2017, c. 342, §1 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 797, §§20,21 (AMD). RR 2005, c. 2, §12 (COR). PL 2015, c. 40, §2 (AMD). PL 2017, c. 342, §1 (AMD).

§2902. State requirements

Private schools approved for attendance purposes by the department shall: [PL 1981, c. 693, §§5, 8 (NEW).]

1. Immunization. Comply with the immunization provisions under chapter 223, subchapter 2;
[PL 2015, c. 329, Pt. A, §3 (AMD).]

2. Language of instruction. Use English as the language of instruction except as specified under section 4701;
[PL 1991, c. 824, Pt. B, §5 (AMD).]

3. Courses required by law. Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections 4701, 4704, 4706, 4722, 4723 and 4724.
[PL 2017, c. 466, §4 (AMD).]

4. Commissioner's basic curriculum. Provide instruction in the basic curriculum established by rule by the commissioner under section 4704 and in alignment with the system of learning results established in section 6209;
[PL 2001, c. 454, §10 (AMD).]

5. Certified teachers. Employ only certified teachers;
[PL 1981, c. 693, §§5, 8 (NEW).]

6. Secondary schools. For private secondary schools:

A. Meet the requirements of a minimum school year under section 4801; [PL 1981, c. 693, §§5, 8 (NEW).]

B. Provide a school day of sufficient length to allow for the operation of its approved education program; [PL 1981, c. 693, §§5, 8 (NEW).]

C. Have a student-teacher ratio of not more than 30 to one; [PL 1981, c. 693, §§5, 8 (NEW).]

D. Include not less than 2 consecutive grades from 9 to 12; and [PL 1981, c. 693, §§5, 8 (NEW).]

E. Maintain adequate, safely protected records; [PL 1997, c. 266, §4 (AMD).]
[PL 1997, c. 266, §4 (AMD).]

7. Approval rules. Meet the requirements applicable to the approval of private schools for attendance purposes adopted jointly by the state board and the commissioner;
[PL 1999, c. 669, §2 (AMD).]

8. Release of student records. Upon the request of a school unit, release copies of all student records for students transferring from the private school to the school unit;
[PL 2001, c. 452, §5 (AMD).]

9. Medication. Meet the requirements for administering medication under section 254, subsection 5; and
[PL 2001, c. 452, §6 (AMD).]

10. Reintegration planning. Meet the requirements for administering reintegration planning under section 254, subsection 12.
[PL 2001, c. 452, §7 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 797, §§22-24 (AMD). PL 1991, c. 824, §B5 (AMD). PL 1997, c. 266, §§4-6 (AMD). PL 1999, c. 669, §§2-4 (AMD). PL 2001, c. 452, §§5-7 (AMD). PL 2001, c. 454, §10 (AMD). PL 2011, c. 669, §2 (AMD). PL 2015, c. 40, §3 (AMD). PL 2015, c. 329, Pt. A, §3 (AMD). PL 2017, c. 466, §4 (AMD).

§2903. Governing body requirements

Nothing in this subchapter shall restrict the authority of the governing body of a private school to require additional subjects to be taught in their school. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§2904. Removal of basic approval

1. Commissioner may remove basic approval. Notwithstanding any other provision of law, the commissioner may remove basic approval from any private school for failure to meet applicable approval requirements.
[PL 1981, c. 693, §§5, 8 (NEW).]

2. Procedural requirements. Whenever a school fails to meet these requirements the commissioner shall:

A. Give due notice; and [PL 1981, c. 693, §§5, 8 (NEW).]

B. Hold a hearing. [PL 1981, c. 693, §§ 5, 8 (NEW).]
[PL 1981, c. 693, §§5, 8 (NEW).]

3. Hearing. The hearing on removal of basic approval shall be in accordance with the applicable provisions of the Maine Administrative Procedure Act, Title 5, chapter 375 and rules of the state board adopted pursuant to section 405, subsection 3, paragraph E.

[PL 1981, c. 693, §§5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5, 8 (NEW).

§2905. Nonrenewal of basic approval

The decision of the commissioner on nonrenewal of basic approval of any school applying for renewal shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and rules adopted by the State Board of Education under section 405, subsection 3, paragraph E. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§2906. Accreditation

Any private school which chooses the accreditation method of approval shall make available to the commissioner on a timely basis all accreditation reports on the school and shall notify the commissioner promptly upon a determination that the school is not accredited or is on probation. [PL 1983, c. 859, Pt. A, §§ 7, 25 (NEW).]

SECTION HISTORY

PL 1983, c. 859, §§A7,A25 (NEW).

§2907. Nontraditional limited purpose school approval

1. Requirements. A nonprofit institution, not otherwise approved under this subchapter, may operate as an approved nontraditional limited purpose school if it demonstrates a commitment to the educational process and to the State's youth by possessing the following:

A. An incorporated council, board of trustees, board of directors or other governing board composed of a cross section of the community served by the school; [PL 1987, c. 250 (NEW).]

B. An established educational plan; [PL 1987, c. 250 (NEW).]

C. A written curriculum with appropriate goals, objectives and instructional strategies; [PL 1987, c. 250 (NEW).]

D. Specific instructional time commensurate with the educational activities planned; [PL 1987, c. 250 (NEW).]

E. Facilities that comply with state health, safety and fire codes; [PL 1987, c. 250 (NEW).]

F. An instructional staff certified by the Department of Education where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution; [PL 1989, c. 700, Pt. A, §47 (AMD).]

G. School health services that include a registered nurse in residence when students are in attendance or the appointment of a school or consulting physician; [PL 1987, c. 250 (NEW).]

H. Established written emergency and safety procedures, including periodic fire drills whenever appropriate; [PL 1987, c. 250 (NEW).]

I. The unique up-to-date equipment necessary to the services provided; [PL 1987, c. 250 (NEW).]

J. A demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and [PL 1987, c. 250 (NEW).]

K. Scholarship assistance to the State's youth. [PL 1987, c. 250 (NEW).]

The commissioner shall promulgate rules, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, which shall incorporate the requirements set forth in this subsection.
[PL 1987, c. 250 (NEW); PL 1989, c. 700, Pt. A, §47 (AMD).]

2. Approval. The commissioner shall base approval of a school under this section on the school's ability to meet the requirements set forth in subsection 1 and on an annual on-site review by the department.
[PL 1987, c. 250 (NEW).]

3. Removal of basic approval. Notwithstanding any other provision of law, the commissioner may remove approval from any nontraditional limited purpose school for failure to meet applicable approval requirements.
[PL 1987, c. 250 (NEW).]

4. Ineligible for state subsidy. A school eligible for approval under this section shall not be eligible for state subsidy.
[PL 1987, c. 250 (NEW).]

5. Credit. High school credit for programs completed at a school approved under this section may be granted to students by the school in which they are enrolled full time.
[PL 1987, c. 250 (NEW).]

6. Taxation. Notwithstanding any other provision of law, the commissioner's approval of an institution as a nontraditional, limited purpose school shall not alter that institution's current status for the purpose of state or local taxation.
[PL 1987, c. 250 (NEW).]

SECTION HISTORY

PL 1987, c. 250 (NEW). PL 1989, c. 700, §A47 (AMD).

SUBCHAPTER 2

APPROVAL FOR THE RECEIPT OF PUBLIC FUNDS BY PRIVATE SCHOOLS

§2951. Approval for tuition purposes

A private school may be approved for the receipt of public funds for tuition purposes only if it: [PL 2005, c. 153, §2 (AMD).]

1. Basic approval. Meets the requirements for basic school approval under subchapter I;
[PL 1981, c. 693, §§5, 8 (NEW).]

2. Nonsectarian. Is a nonsectarian school in accordance with the First Amendment of the United States Constitution;
[PL 1981, c. 693, §§5, 8 (NEW).]

3. Incorporated. Is incorporated under the laws of the State of Maine or of the United States;
[PL 1985, c. 797, §25 (AMD).]

4. Reports and audits.

[PL 1983, c. 859, Pt. A, §§8, 25 (RP).]

5. Additional requirements. Complies with the reporting and auditing requirements in sections 2952 and 2953 and the requirements adopted pursuant to section 2954;
[PL 1997, c. 266, §7 (AMD).]

6. Student assessment. Meets the following requirements:

A. It participates in the statewide assessment program to measure and evaluate the academic achievements of students; and [PL 2017, c. 342, §2 (NEW).]

B. It meets the applicable requirements of the system of learning results established in section 6209. [PL 2017, c. 342, §2 (NEW).]

The requirements of this subsection apply only to a school that enrolls 60% or more publicly funded students, as determined by the previous year's October and April average enrollment; and
[PL 2017, c. 342, §2 (RPR).]

7. Release of student records. Upon the request of a school unit, releases copies of all student records for students transferring from the private school to the school unit.
[PL 2017, c. 342, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 859, §§A8-A9,A25 (AMD). PL 1985, c. 797, §§25-27 (AMD). PL 1997, c. 266, §§7-9 (AMD). PL 2005, c. 153, §2 (AMD). PL 2017, c. 342, §§2, 3 (AMD).

§2952. Report to commissioner

A private school receiving state funds, either directly or indirectly, and a private school approved for tuition and attendance purposes shall annually, in accordance with time schedules established by the commissioner, report to the commissioner the information the commissioner may require. [PL 2005, c. 153, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §28 (AMD). PL 2005, c. 153, §3 (AMD).

§2953. Audit

1. Annual audit.
[PL 2011, c. 171, §6 (RP).]

2. Special audit. Audits by the State Auditor may be requested by 3 or more duly elected and qualified officers of the private school. This audit must be conducted at the expense of the requesting school except when the audit is determined necessary by the commissioner.
[PL 2005, c. 153, §4 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2005, c. 153, §4 (AMD). PL 2011, c. 171, §§5, 6 (AMD).

§2954. Rules of commissioner

The commissioner may adopt rules regarding tuition charges, accounting, audits, contracts and other aspects of schooling privileges arranged between a private school and school administrative units.
[PL 1985, c. 797, §28 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 859, §§A10,A25 (AMD). PL 1985, c. 797, §28 (AMD).

§2955. Penalty for noncompliance

Private schools approved for tuition purposes that have not complied with this chapter may not receive tuition payments from any school administrative unit. [PL 2005, c. 153, §5 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 859, §§A11,A25 (AMD). PL 2005, c. 153, §5 (AMD).

SUBCHAPTER 3

SPECIFIC EDUCATION PROGRAMS

§3001. Schools for children with disabilities

Private schools that operate programs for children with disabilities shall conform to the applicable provisions of this chapter and chapters 301 and 303. [PL 2005, c. 662, Pt. A, §7 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2005, c. 662, §A7 (AMD).

§3002. Career and technical education

The commissioner may contract with a private school, which is serving one or more municipalities in lieu of a public secondary school, for the conduct of career and technical education courses that meet the same standards for approval as those conducted in public secondary schools. [PL 2011, c. 679, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2005, c. 397, §D3 (REV). PL 2011, c. 679, §3 (AMD).

SUBCHAPTER 4

PRIVATE SCHOOLS SERVING NONRESIDENTS

§3051. Non-Maine students

Schools which enroll only students whose parents are not residents of the State shall meet all health and safety requirements of the State applicable to private schools. [PL 1983, c. 859, Pt. A, §§ 12, 25 (RPR).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 859, §§A12,A25 (RPR).

SUBCHAPTER 5

PUBLICLY SUPPORTED PRIVATE SECONDARY SCHOOL ADVISORY COUNCIL

§3061. Publicly Supported Private Secondary School Advisory Council

(REPEALED)

SECTION HISTORY

PL 2007, c. 342, §2 (NEW). PL 2011, c. 344, §21 (RP).

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