

## MAINE

- Compulsory Attendance Ages:** 6 years of age and under 17, or graduated, or 15 or completed 9<sup>th</sup> grade with parent and school board permission, or full-time attendance at accredited college with commissioner approval. Maine Revised Statutes Annotated title 20-A, § 5001-A(1)–(2).
- Required Days of Instruction:** 175 days.
- Required Subjects:** Option 1: English and language arts, math, science, social studies, physical and health education, library skills, fine arts, Maine studies (in one grade between grades 6 and 12), and computer proficiency (in one grade between grades 7 and 12). Me. Rev. Stat. tit. 20-A, § 5001-A(3)(A)(4)(a)(iv).  
Option 2: English (reading, writing, spelling, and grammar), math, science, American history, Maine history and geography, and government (including the privilege and responsibility of citizenship), health education and fine arts.

*Parents may either follow the homeschool statute or participate in a private school the state recognizes as providing equivalent instruction.*

**Option 1: Homeschool Statute:** Me. Rev. Stat. Ann. tit. 20-A, § 5001-A(3)(A)(4). (The commissioner’s power to adopt home school rules was abolished in 2007 by LD 150.) A child is excused from attending school if instructed in a home instruction program meeting the following statutory requirements.

1. Within 10 days of starting home instruction for a student the parent must file a one-time notice of intent with both the local superintendent and Commissioner of Education (it is not necessary to use any particular form) containing:
  - a. Name, signature, and address of the parent or guardian,
  - b. The name and age of the student,
  - c. The date home instruction will or did begin,
  - d. A statement of assurance that instruction will be provided for at least 175 days annually and will cover the subjects listed above, and
  - e. A statement of assurance that the parents will submit a year-end assessment.
2. Each year thereafter, by September 1 the parent must submit a letter (it is not necessary to use any particular form) to both the local superintendent and state commissioner of education enclosing the year-end assessment (see “Standardized Tests” below) and stating the intention to continue the student’s home instruction. Me. Rev. Stat. Ann. tit. 20-A, § 5001-A(3)(A)(4)(b).

3. Parents must keep copies of items submitted under #1 and #2 above until the home school program concludes. They must be made available to the Commissioner upon request. The confidentiality of all records is protected. Me. Rev. Stat. Ann. tit. 20-A, § 5001-A(3)(A)(4)(c).

**Option 2: Recognized as Equivalent Private School (REPS):** A private school must include no fewer than two unrelated students. A private school recognized by the Maine Dept. of Education as providing equivalent instruction is an alternative to public school attendance. Me. Rev. Stat. Ann. tit. 20-A, § 5001-A(3)(A)(1)(b). Recognition is automatic upon the Commissioner of Education receiving the annual letter described below, per section 2 of the “Guidelines for Private Schools Recognized by the Department as Providing Equivalent Instruction.” Under the Guidelines, the school should:

1. Annually by Oct. 1 file a letter (written by the school’s chief administrative official) with the Commissioner stating that the school:
  - a. Complies with applicable state and local safety fire and health laws; will report the names, addresses, and grade levels of all students to the local superintendent and update the report as necessary;
  - b. Operates at least 175 days or 875 hours;
  - c. Provides instruction appropriate to the grade level in: English (reading, writing, spelling, grammar), math, science, American history, Maine history and geography, government (including the privilege and responsibility of citizenship), health and fine arts;
  - d. Has examined and approved all teachers for competence;
  - e. Will furnish parents with at least 4 academic progress reports annually;
  - f. Will inform parents of methods of assessment, subjects in which assessment is made, grade level of assessments, and results;
2. Submit the attendance report described in 1.a above to the local school superintendent within two weeks after the school opens, or by October 1, whichever is earlier.
3. Annually notify parents in writing of the school’s commitment to follow these guidelines, stating the essence of each guideline.

Attendance at a private school that the Dept. of Education has neither recognized nor approved does not satisfy the compulsory attendance law. However, in *Bangor Baptist Church v. Maine*, 576 F. Supp. 1299 (D. Me. 1983), the U.S. District Court for the District of Maine held that the Commissioner has no authority to shut down a private school. The Guidelines were initially established by agreement between the Commissioner and the private school community after the *Bangor* decision.

**Teacher Qualifications:** Option 1—none. Under Option 2, the private school administrator must approve its teachers’ competence.

**Standardized Tests:** Option 2—none. Under Option 1, annually submit to both the local superintendent and Commissioner the results from among the following options:

1. Official results of any national standardized achievement test; or
2. Results of a test developed by local school officials; or

3. Review and acceptance of progress by: (a) a Maine certified teacher; (b) a homeschool support group that includes for this purpose a Maine certified teacher or administrator who has reviewed a portfolio of the student's work; or (c) an advisory board the superintendent appoints composed of two homeschool teachers and one school official (must be arranged before school year starts).