

Lavallee, Deanne

Subject: FW: Extracurricular participation

From: Kautz, Bob

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Subject: Extracurricular participation

Hi all, recently the Department of Education was asked to define "capacity" as it applies to the statute in the Charter School law on participation of charter students in extracurricular activities. The Department responded to the request with the following;

"Although SAUs and their attorneys have drafted documents citing their own definition of capacity, the Department's interpretation of capacity is that the SAU does not have to create another player position, buy another uniform, etc.

In all other respects, a public charter school student meeting all the other requirements in statute must be given the same opportunity to try out for a team and the same criteria for choosing all members of the team must be applied evenly."

I hope this is helpful as you are negotiating with resident SAUs.

Bob Kautz

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND FOURTEEN

H.P. 630 - L.D. 906

**An Act To Permit a School Administrative Unit Discretion Concerning
Participation of Students from Charter Schools in School Extracurricular
and Interscholastic Activities**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §2415, sub-§2, as enacted by PL 2011, c. 414, §5, is amended to read:

2. Access to extracurricular and interscholastic activities. A public charter school is eligible for ~~state sponsored or school administrative unit sponsored~~ statewide interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. ~~A If a public charter school applies for and receives written approval from the superintendent of a school administrative unit or the superintendent's designee, who may withhold such approval, the public charter school is eligible for school administrative unit-sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. If a public charter school student applies for and receives written approval from the superintendent of the school administrative unit of the noncharter public school or the superintendent's designee, who may withhold such approval, the public charter school student is eligible to participate in extracurricular activities not offered by the student's public charter school at the noncharter public school within the attendance boundaries of which the student's custodial parent or legal guardian resides or the noncharter public school from which the student withdrew for the purpose of attending a public charter school. A The superintendent of the school administrative unit or the superintendent's designee may withhold approval only if the public charter school the student attends provides the same extracurricular or interscholastic activity or~~

if the noncharter public school does not have the capacity to provide the public charter school student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the superintendent of the school administrative unit or the superintendent's designee shall provide a written explanation to the public charter school student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. If a public charter school student is allowed to participate in the noncharter public school's extracurricular activities, the public charter school student is eligible for extracurricular activities at a the noncharter public school subject to eligibility standards applied to full-time students of the noncharter public school. A school administrative unit or noncharter public school may not impose additional requirements on a public charter school student to participate in extracurricular activities that are not imposed on full-time students of the noncharter public school. Public charter school students shall must pay the same fees as other students to participate in extracurricular or cocurricular activities. For each public charter school student who participates in an extracurricular or cocurricular activity at a noncharter public school, the public charter school must pay a reasonable share of the noncharter public school's costs for the activity, as determined through negotiations between the schools involved.