



# Start·a·School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

## Maine

### Private Schools

#### Steps to Start a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.
2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. A Federal Employer Identification Number (FEI/EIN) will be required after registering as a company. Apply with the IRS online at:  
<https://sa.www4.irs.gov/modiein/individual/index.jsp>
5. Things to consider
  - 5.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
  - 5.2. Teacher Certification: Is required.
  - 5.3. Registration: Is not required.
  - 5.4. Licensing: Business licensing may be required by local government.
  - 5.5. Approval: Is required.
  - 5.6. Length of School Year and Days: A private secondary school approved for the purposes of attendance must have at least 175 instructional days.
  - 5.7. Curriculum: See statutes below for requirements.
  - 5.8. State Testing: See statutes below.
  - 5.9. Health and Safety Requirements: Immunization is required. Other minimal requirements. See statutes below.
  - 5.10. Nursing and Health: May be publicly funded. See statutes below.

#### Private School Approval

The Maine Department of Education (DOE) requires approved private schools to be approved annually per [20-A M.R.S. Chapter 117](#).

Private school approval requirements are determined for each specific school according to:

- Type of private school: Private school; Special purpose private school; nontraditional limited purpose private school
- Enrollment of publicly funded students (percentage of students tuitioned from a school administrative unit): No publicly funded students; <60% publicly funded students; 60- <85% publicly funded students; 85%+ publicly funded students.
- Accreditation: New England Association of Schools and Colleges (NEASC)-accredited; not NEASC accredited

As prospective approved schools complete the State’s information system, NEO, Maine Schools and School Approval form with the above information, applicable approval requirement checkboxes are presented for affirmation. **You may preview the complete affirmation checklist [here](#).** Please bear in mind that only the affirmations that are applicable to the school type and enrollment choice will be presented for affirmation on the form for each individual applicant school.

Schools considered “new” are those that were not approved private schools on June 30<sup>th</sup> of the year of application. The first step for new schools considering application for approval for the upcoming school year is to become familiar with the deadlines and to schedule a conversation with DOE’s school approval consultant, Pamela Ford-Taylor ([Pamela.Ford-Taylor@maine.gov](mailto:Pamela.Ford-Taylor@maine.gov) or (207) 624-6617). Once the school has met with the DOE and details are clear about the type, enrollment population, and accreditation status of the school, the following steps will occur:

- As early as May/June, the applicant will email the DOE school approval consultant to formally indicate their intent to apply and request access to the State’s information system, NEO.
- DOE Helpdesk, data personnel, and the consultant will work together with the school to establish an organization record and access to the NEO Maine Schools and School Approval module, the NEO Staff module, and the Maine Educator Information System (MEIS). Access to NEO staff can be obtained by submitting a [NEO access request form](#). Ongoing training for NEO and MEIS is available from the Helpdesk. A new school may be set up and have access as early as July 1.
- On or after July 1, but no later than the September 1 deadline, the private school will access their new record in NEO Maine Schools and School Approval, and after verification/correction of the organization section, will complete the school approval annual report affirmation checkboxes and submit.
- DOE will review the submission and respond with any corrections needed. Once the record is complete and correct, DOE will send an acceptance email to confirm the next steps (please see summary chart below). At that point the school may enroll students and begin operation on its normal schedule while completing the next steps.
- Once the school’s initial NEO submission is accepted, the private school has access to new functionality on the same form: the staff affirmation checkbox and the tuition-receiving form (EF-M-240) required for all schools with an enrollment status other than “No publicly funded students.” At this point, schools that are public tuition receivers should complete the EF-M-240 section, and all schools should review staff certifications in MEIS to ensure there are no violations, and then check

the staff affirmation check box to indicate that they have completed the violations check (even if they are still addressing violations).

DOE will continue to communicate and assist with any issues related to school approval, and conduct a final staff check by September 15. A certificate of approval will be issued upon completion of any outstanding items, including but not limited to resolving staff certification violations and the tuition-receiving form (EF-M-240) due by September 1. Full approval means that schools approved for tuition purposes are then placed on the list of tuition receiving private schools which school administrative units use to authorize tuition payments.

## Private School Statutes & Rules

*The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.*

## Accreditation, Registration, Licensing, and Approval

- No requirement for Accreditation.
  - Accreditation is permitted as one means of partially meeting the approval requirement.
- No requirement for Registration.
- No requirement for Licensing.
- Approval or recognition is mandatory.
  - Attendance at a private school satisfies the compulsory attendance requirement only if the private school is approved for attendance purposes or is recognized by the State Department of Education as providing equivalent instruction. [Me. Rev. Stat. Ann. title 20-A, §5001-A](#).
  - A private school may operate as an approved private school for attendance purposes (basic school approval) if it meets hygiene, health, and safety standards, and is either currently accredited by the New England Association of Colleges and Secondary Schools or meets applicable state requirements.
  - Accreditation is one option a school may use to obtain approval for attendance purposes. Schools choosing the accreditation method of approval for attendance purposes must make accreditation reports to the commissioner of education on a timely basis and notify the commissioner of any determination made that the school is not accredited or is on probation. [Me. Rev. Stat. Ann. title 20-A, §2906](#).
  - A second option a school may choose to obtain approval for attendance purposes is to comply with applicable state requirements regarding 1) immunization provisions; 2) English as the language of instruction; 3) courses required by law; 4) instruction in the basic curriculum established by the commissioner; 5) certified teachers; and 6) any additional approval requirements adopted by the state board and the commissioner. In addition, private secondary schools applying for approval for attendance purposes must meet the following

requirements: a minimum school year; a sufficient school day length; a student-teacher ratio of not more than 30 to one; not fewer than two consecutive grades; and adequate maintenance for safely protecting records. [Me. Rev. Stat. Ann. title 20-A, §2902](#).

- The commissioner will periodically review all private schools that receive public funds to determine their compliance with the applicable provisions of the education code. The commissioner may, as a condition of approval, inspect any private school that applies for approval status. [Me. Rev. Stat. Ann. title 20-A, §258-A](#).
- The commissioner may remove basic approval from any private school for failure to meet applicable approval requirements. [Me. Rev. Stat. Ann. title 20-A, §2904](#).
- A private school that has chosen not to seek approval by the State Department of Education may voluntarily provide information on an annual basis to the commissioner and/or superintendent to establish that students enrolled are receiving equivalent instruction in compliance with the compulsory school attendance law. The information should be provided in an annual letter signed by the chief administrator of the private school and include an affirmation that the school provides the basic curriculum by competent teachers for a minimum of 175 days or 875 hours; complies with fire, health, and safety laws; provides academic assessment and progress reports for parents; and provides attendance notifications to the local superintendent.
- A nonprofit institution may operate as an approved nontraditional limited-purpose school if it demonstrates a commitment to the educational process and to the state's youths by having: 1) a governing board composed of a cross-section of the community; 2) an established educational plan; 3) a written curriculum with appropriate goals, objectives, and instructional strategies; 4) specific instructional time commensurate with the educational activities planned; 5) facilities that comply with state health, safety, and fire codes; 6) an instructional staff certified by the State 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; 7) school health services that include a registered nurse in residence when students are in attendance, or the appointment of a school or consulting physician; 8) established written emergency and safety procedures, including periodic fire drills whenever appropriate; 9) unique up-to-date equipment necessary to the services provided; 10) a demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific needs of Maine students regarding their aspirations; and 11) scholarship assistance for the state's youths. [Me. Rev. Stat. Ann. title 20-A, §2907](#). Code Me. R. §250.

## Curriculum

- Private schools approved for attendance purposes must provide instruction in the basic curriculum established by rule by the commissioner, including minimum time

requirements and performance standards. [Me. Rev. Stat. Ann. title 20-A, §§2902.4, 4704.](#)

- Private elementary schools approved for attendance purposes by the department must provide instruction in career and education development, English language arts, world languages, health education and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. In addition, instruction in American history, government, citizenship and Maine studies requirements must occur and follow section 6209 specifications. [Me. Rev. Stat. Ann. title 20-A, §§2902.3, 4706, 4711.](#)
- Private secondary schools approved for attendance purposes by the department must provide instruction in English, social studies, history, including American history and Maine studies, mathematics, science, fine arts, health, and physical education, and computer instruction. [Me. Rev. Stat. Ann. title 20-A, §§2902.3, 4706, 4722, 4723, 4724.](#)
- The use of animals in public and private schools is regulated by statute. Vivisection of animals in K–12 schools is prohibited. Dissection of dead animals must be confined to the classroom and the students engaged in the study, and must not be for exhibition. Experiments on live vertebrate, except eggs, are restricted. [Me. Rev. Stat. Ann. title 7, §3971.](#)
- English is the basic language of instruction in all schools except that, subject to the commissioner’s approval, schools may provide transitional instruction using bilingual techniques for students of limited proficiency in English and providing proficiency in English as a second language. [Me. Rev. Stat. Ann. title 20-A, §4701.](#)
- Private schools are exempt from the state’s criminal law prohibiting dissemination of obscene material to minors if exhibited for purely educational purposes. [Me. Rev. Stat. Ann. title 17, §2911.2.](#)

### **Health and Safety Requirements**

- No chief administrative officer may permit any student to be enrolled or attend school without evidence of required immunization or immunity unless the parent or student provides a written statement that immunization may be medically inadvisable or a written statement that immunization is contrary to a sincere religious belief or opposed for moral, philosophical, or other personal reasons. [Me. Rev. Stat. Ann. title 20-A, §6353.3, 4, 6.](#)
- Upon notice from a public health official that a student’s presence presents a clear danger to the health of others, a chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student is immunized. Private schools may adopt more stringent immunization requirements. [Me. Rev. Stat. Ann. title 20-A, §6353.3, 4, 6.](#)
- Unlicensed personnel at private schools may not administer medication, except as provided by the written prescription of a physician or dentist, or by the written permission of the parent or guardian. [Me. Rev. Stat. Ann. title 20-A, §254.](#)
- A state liquor store or an agency liquor store may not be established within 300 feet of any K–12 private school. [Me. Rev. Stat. Ann. title 28-A, §351.](#)

- It is a civil offense to disturb a private school during or out of school hours while a teacher or student is present, and is punishable by a fine of not less than \$200 or more than \$500. [Me. Rev. Stat. Ann. title 20-A, §6804.](#)
- Possession of a firearm on the property of an approved private school is prohibited. A firearm may not be discharged within 500 feet of the property of an approved private school. [Me. Rev. Stat. Ann. title 20-A, §6552.](#)
- Amended rule governing physical restraint and seclusion effective July 1, 2012. The changes to this rule address (non-exhaustive list) enhanced definition of physical restraint; clarification of the level of personnel involvement; updated reporting deadline, documentation, and training requirements; and the deadline for nonregulatory guidance from the state department of education that is to be provided to schools. [Me. Rev. Stat. Ann. title 20-A, §4502\(5\)\(M\).](#)
- The Commissioner of Education must conduct regular comprehensive reviews of private schools approved for tuition purposes. The following requirements are implemented,
  - Reviews recur every 2 years
  - Schools selected for review must provide documentation on:
    - Basic approval standards
    - Maine Human Rights Act compliance
    - State assessments and learning results
    - Health and safety compliance
    - Noncompliance triggers a corrective action plan
    - Length of School Year and Days
- A private secondary school approved for the purposes of attendance must have at least 175 instructional days. [Me. Rev. Stat. Ann. title 20-A, §4801.](#)

### **Micro Schools/Learning Pods §2907**

- A nonprofit institution, not otherwise approved under statutes, 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;
  - b) An established educational plan;
  - c) A written curriculum with appropriate goals, objectives and instructional strategies;
  - d) Specific instructional time commensurate with the educational activities planned;
  - e) Facilities that comply with state health, safety and fire codes;
  - 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;
  - 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;

- h) Established written emergency and safety procedures, including periodic fire drills whenever appropriate;
- i) The unique up-to-date equipment necessary to the services provided;
- j) A demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students;
- k) Scholarship assistance to the State's youth.
  - 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.
  - A school eligible for approval under this section shall not be eligible for state subsidy.

## **Nursing and Health**

- Municipalities may appropriate money to provide physician, nursing, dental, and optometric services to pupils attending nonpublic elementary and secondary schools if available to pupils attending public schools. Services may be provided to nonpublic school students in the nonpublic school attended. [Me. Rev. Stat. Ann. title 30-A, §5724.7.](#)
- Municipalities may appropriate money to provide standardized tests and scoring services in use in the public schools to pupils attending nonpublic elementary and secondary schools. [Me. Rev. Stat. Ann. title 30-A, §5724.8.](#)
- The State Department of Education offers technical assistance to approved private schools to aid in the establishment of school-based substance abuse programs and health education curricula. [Me. Rev. Stat. Ann. title 20-A, §6605.](#)
- Health and remedial services, instructional materials, and equipment provided with appropriated public funds, as well as the admission of students to the nonpublic schools must be provided without distinction as to the race, creed, color, or national origin of the pupil and of their teachers. Instructional materials or instructional equipment may be loaned to pupils in nonpublic schools or their parents if similar instructional materials or equipment is available for public school students within a local school district. [Me. Rev. Stat. Ann. title 30-A, §5724.9.](#)
- The state is authorized to administer programs under the Child Nutrition Act benefiting private school students, provided the state is not required to appropriate state funds for meals served in private schools. [Me. Rev. Stat. Ann. title 20-A, §6602.](#)
- Private schools that enroll more than sixty percent of their students at public expense are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013. [Me. Rev. Stat. Ann. title 20-A, §§254, 1001.](#)
- Private schools that are approved for tuition purposes and enroll  $\geq 60\%$  publicly funded students must provide free meals to all publicly funded students (including those not income-eligible) and participate in the National School Lunch Program (NSLP) or an approved alternative or risk loss of certain state funding if they opt out of eligible meal programs. . [Me. Rev. Stat. Ann. title 20-A, §6602.](#)

## Professional Development

- There is no state policy at this time.

## Public Aid for Private Education

- Constitutional Provisions: The Maine Constitution states that it is the legislature’s “duty to encourage and suitably endow academies, colleges, and seminaries of learning within the state,” provided that the legislature has the right to grant any further powers to “limit or restrain any of the powers vested in any such literary institution, as shall be judged necessary to promote the best interests thereof.” Maine Constitution, Art. 8, Sec. 1.

The Maine Constitution provides that “all religious societies in this state, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.” Maine Constitution, Art. 1. Sec. 3.

A municipality may not provide services, materials, or equipment for use in religious courses, devotional exercises, religious training, or any other religious activity. Me. Rev. Stat. Ann. title 30-A, §5724.9.

- Programs for Financial Assistance for Attendance at Private Schools: Maine school districts that have no available public schooling pay to send students to approved private schools or to public schools in other districts; this practice is called Town Tuitioning. Private schools that receive students under town tuitioning programs must 1) meet the requirements for basic school approval; 2) be nonsectarian schools; 3) be incorporated under the laws of Maine or the United States; 4) comply with reporting and auditing requirements; and 5) if the school enrolls 60 percent or more publicly funded students, participate in the Statewide Assessment Program. [Me. Rev. Stat. Ann. title 20-A, §2951.](#)
- A school district may contract with a private school approved for tuition purposes for all or part of its secondary school pupils. [Me. Rev. Stat. Ann. title 20-A, §§1258, 2702-4.](#)

Tuition payments to private schools approved for tuition purposes must be paid within 30 days of the billing date. If the tuition is not paid accordingly, the principal of the private school must inform the commissioner. The commissioner will pay the tuition due and deduct that amount from the state school subsidy to the school administrative unit owing tuition. [Me. Rev. Stat. Ann. title 20-A, §5810.](#)

Tuition rates charged to school administrative units for publicly placed students in private elementary and secondary schools are regulated. [Me. Rev. Stat. Ann. title 20-A, §§5804 -5806.](#)

Private schools approved for tuition purposes are prohibited from unlawful educational discrimination on the basis of sex, physical or mental disability, or national origin or race. [Me. Rev. Stat. Ann. title 5, §§4553, 4602, 4604.](#)

To be eligible to attend a receiving private school, students must be from a family residing in a sending district and gain admission to the school based on its customary admissions criteria.

### **Recordkeeping and Reports**

- By April 15 and October 15 of each year, the principal of each private school must report to the commissioner the number of students attending the school. [Me. Rev. Stat. Ann. title 20-A, §6004.](#)
- A student is credited with attendance at a private school only if a certificate showing the name, residence, and attendance of the student at that school has been signed by the school administrator and filed with the school officials of the local administrative unit. [Me. Rev. Stat. Ann. title 20-A, §5001-A.3.A.\(2\).](#)
- Chief administrative officers shall keep uniform records of the immunization status of each student. The records shall be part of the student's permanent records. By December 15 of each year, each chief administrative officer shall submit to the director of the Bureau of Health, on a form provided, a summary report of the immunization status of the students entering school. [Me. Rev. Stat. Ann. title 20-A, §6353.5.](#)
- A private secondary school receiving state funds, directly or indirectly, and a private school approved for tuition and attendance purposes must report annually, on or before July 15, information required by the commissioner. [Me. Rev. Stat. Ann. title 20-A, §2952.](#)
- An annual audit must be furnished to the state auditor on or before September 1 of each year. [Me. Rev. Stat. Ann. title 20-A, §2953.](#)

### **Reimbursement for Performing State and Local Functions**

- There is no state policy at this time.

### **Special Education**

- The commissioner regulates tuition rates for private special education programs that are publicly funded by the state. [Me. Rev. Stat. Ann. title 20-A, §7302.](#)
- The commissioner may require that special education programs in approved private schools comply with rules regulating the public schools. [Me. Rev. Stat. Ann. title 20-A, §7501.](#)
- It is the duty of the commissioner to define allowable special education services and the qualifications of individuals who provide special education services by regulation. [Me. Rev. Stat. Ann. title 20-A, §7252-B.](#)
- All special education programs offered by approved private schools must be 1) under the supervision of the school administrative unit responsible for the education of the enrolled exceptional student; 2) described in a master contractual agreement between the private school and the commissioner; and 3) approved in advance of the enrollment of any exceptional student. [Me. Rev. Stat. Ann. title 20-A, §7252-A.](#)
- Approved private schools providing special education services must submit reports as required by the commissioner. [Me. Rev. Stat. Ann. title 20-A, §7252-B.](#)

- The commissioner will investigate written complaints against private schools serving exceptional students according to adopted procedures. [Me. Rev. Stat. Ann. title 20-A, §7206.](#)

### **Tax Exemption**

- No tax on sales, storage or use may be collected upon or in connection to schools. The definition of a school in the state of Maine includes incorporated nonprofit elementary and secondary institutions. [Me. Rev. Stat. Ann. title 36, §1760.](#)

### **Teacher Certification**

- Teacher must be certified by the commissioner to teach in any private school receiving basic approval, except those schools currently accredited by the New England Association of Colleges and Secondary Schools. [Me. Rev. Stat. Ann. title 20-A, §§ 2901, 13003.](#)
- Only driver education teachers certified by the commissioner may be employed by an approved private secondary school to teach driver education. If a certified instructor is unavailable and the private school requests it, the commissioner may grant a temporary certificate to any person who holds a Class A license. Approved private secondary schools may contract with a commercial driver education school to provide driver education as part of the secondary school curriculum. [Me. Rev. Stat. Ann. title 20-A, §8703.](#)

### **Technology**

- The commissioner may contract with a private school for applied technology courses that meet the public secondary school standards. [Me. Rev. Stat. Ann. title 20-A, §3002.](#)

### **Testing**

- Private schools approved for attendance purposes may participate in the State Assessment of Student Performance program with the approval of the commissioner and upon payment of the actual cost of the assessment. [Me. Rev. Stat. Ann. title 20-A, §6207.](#)
- Private schools approved for tuition purposes and whose enrollment includes at least 60 percent publicly funded students, must participate in the Statewide Assessment Program. The assessment program measures on a sampling basis in alternate years the academic achievement of students in grades four, eight, and 11 in basic subjects, i.e. reading, writing, and mathematics, and potentially science and social studies. [Me. Rev. Stat. Ann. title 20-A, §6202.](#)

### **Textbooks**

- Municipalities may, upon request, appropriate money to purchase approved secular textbooks and loan them to pupils or parents of pupils attending nonpublic elementary

and secondary schools. The requests for textbooks submitted by nonpublic school pupils or parents will be forwarded to the nonpublic school for administrative convenience. The nonpublic school will prepare a collective summary of the individual requests and submit the summary to the school committee or board of directors. [Me. Rev. Stat. Ann. title 30-A §5724.6.](#)

## Transportation

- Municipalities may appropriate money to provide transportation of school children to and from nonprofit schools other than public schools. [Me. Rev. Stat. Ann. title 30-A §5724.5.](#)

## Resources

### Contact Information — State and Federal Departments of Education

- State of Maine Department of Education  
23 State House Station  
August, ME 04333-0023  
Telephone: (207) 624-6600  
Fax: (207) 624-6700  
Website: <http://www.maine.gov/doe/>
- U.S. Department of Education, [Maine](#)

### Information and Legislation

- [Maine Department of Education \(DOE\): Home Instruction Information and FAQs](#)
- [Maine Department of Education \(DOE\): Private School Approval](#)
- [Maine Department of Education \(DOE\): Equivalent Instruction Private Schools](#)
- [Maine DOE: Legislation and Rulemaking](#)
- [Maine DOE: Rule Chapters for the Department of Education](#)
- [Maine Legislature – Revised Statutes Title 20-A: Education](#)

## School Choice Programs

### Town Tuitioning Program

“Town-tuitioning” is a mechanism that allows school-age children in Maine who reside in a municipality that does not operate its own schools, or contract with another school or district to educate resident children, the option to attend a public or private school of their choice (under certain conditions), with public education dollars following the child to the chosen school. Maine’s town-tuitioning law has been on the books since 1873, making it the second-oldest school choice program in the nation.

Town-tuitioning is a public benefit that empowers families residing in towns which utilize it to pursue the best educational option available, regardless of their ZIP code or financial status. For more than 100 years, students living in municipalities which utilize the program could be reimbursed by their town to attend any school of their choice: private or public, religious or secular. State law sets the maximum tuition allowed to be paid for elementary and secondary students.

In January 1980, at the request of a legislator, Maine Attorney General Richard S. Cohen issued an advisory opinion concluding that allowing sectarian schools to receive town tuition would infringe on the Establishment Clause under the First Amendment of the US Constitution, which prohibits the state's establishment of religion. Agreeing with the AG's interpretation, the legislature subsequently amended the law to prohibit sectarian schools from receiving town-tuition dollars for education.

There is no mechanism for Private Schools to apply for the Town Tuitioning program.