

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 815

H. P. 615

House of Representatives, March 8, 1977

On motion of Mr. Lynch of Livermore Falls, referred to Committee on Education. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Lewis of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Provide Alternatives to the Compulsory Attendance Law.

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

Sec. 1. 20 MRSA § 911, as last amended by PL 1975, c. 510, § 21, is repealed and the following enacted in its place:

§ 911. **Compulsory education; work permit for subnormal child;
16-year-old pupils**

1. **Attendance.** Every child between his 7th and 17th birthdays shall attend a public day school during the time it is in session. An absence therefrom of $\frac{1}{2}$ day or more shall be deemed a violation of this requirement. This subsection shall not apply to a child who has graduated from high school before his 17th birthday.

2. **Excusable absences.** Excusable absences shall be defined by the local school committee or board of directors.

3. **Equivalent instruction.** A child shall be excused from attending a public day school if he obtains equivalent instruction in a private school, or in any other manner arranged for by the school committee or the board of directors subject to the approval of the commissioner. The course of study and the methods of instruction at the private school shall have been approved by the commissioner.

4. **Private school certificate of attendance.** Children shall be credited with attendance at a private school only if a certificate showing their names, residence and attendance at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the children reside.

5. **Administration.** The local school committee or board of directors shall be responsible for the administration of this section and shall promulgate reasonable rules and regulations to carry out this responsibility.

6. **Habitual truant; report; notice to parents; guidelines of meeting.** If a child is habitually truant as defined in section 914, the following procedures shall be adhered to:

A. The principal shall provide a full report to the superintendent of schools which shall include, but not be limited to, the following information, if available:

- (1) Written summations of any and all counseling sessions with the student;
- (2) Results of any and all physical examinations, including screening for vision and hearing deficiencies;
- (3) Results of any and all psychological evaluations;
- (4) Written summations of any and all home visits and of any and all counseling sessions with school officials;
- (5) Written summations of faculty discussions;
- (6) Written reports from any and all public or private agencies which may have evaluated the child;
- (7) Written summations of any and all efforts by the school to meet the child's educational needs; and
- (8) Recommendations by the principal and faculty to resolve the problem.

B. If the superintendent determines that he is unable to resolve the problem, he shall refer the matter to the local school committee or board of directors.

C. Information presented to the local school committee or the board of directors shall include, but not be limited to, the report presented by the principal to the superintendent of schools.

D. The local school committee or board of directors shall call a meeting to hear the matter. At least 7 days in advance of the meeting, the parents or the guardian of the child shall be notified in writing of the date and the time of the meeting.

E. The written notice of the meeting shall advise the child's parents or his guardian of the following:

- (1) The purpose of the meeting;
- (2) Their right to inspect the child's records; and
- (3) The necessity for them and the child to be present.

7. Disposition by school committee. After considering the facts presented and after discussing the matter with the child and his parents or guardian, the school committee or board of directors shall determine by a majority vote to do one of the following:

A. Instruct the child to attend school as required by statute and inform the parents or the guardian of their legal responsibilities to assure the child's attendance; or

B. Waive the compulsory school attendance law provided the child is at least 14 years old;

(1) The parents or guardian may appeal this decision to the commissioner, who shall appoint an official to hear the appeal;

(2) The commissioner shall review the results of the hearing and affirm, modify or reverse the decision of the local school committee or board of directors; or

C. Instruct the superintendent of schools to institute legal proceedings against the child, the parents or the guardian in the District Court as provided in subsection 9.

8. Responsibilities of parents and guardian. All persons having children under their control shall cause them to attend school as provided in this section. It shall be unlawful to induce a child to be absent from school, or to harbor or conceal a child who is unlawfully absent from school.

9. District Court jurisdiction. The District Court shall have jurisdiction to hear petitions charging a person with being in violation of this section. If a person is found to be in violation of this section the court shall:

A. Order him to comply with the requirements of this section; or

B. Place the child on probation and require him to comply with this section; or

C. Remove the child from the custody of his parents or his guardian and commit him to the custody of the Department of Human Services, or any suitable person, in the manner provided in Title 22, section 3792 if he had been placed on probation and he continues to be an habitual truant;

(1) The expense of the child's care shall be as authorized under Title 22, section 3792; or

D. Punish any person who is in violation of subsection 8 by a fine of not more than \$100 or by imprisonment for not more than 30 days or by both.

10. Special work permit. A child between the ages of 15 and 17 who, because of subnormal mental capacity, is unable to pass the tests necessary to be issued a regular work permit, may receive a work permit for employment in nonhazardous occupations. This special work permit shall be issued jointly by the commissioner and the Director of the Bureau of Labor.

11. **Alternate program.** If, in the judgment of the principal, a suitable program of work, work study or training is available, he may, subject to the consent of the child's parents or guardian and the approval of the local school committee or board of directors, excuse 16-year-old pupils from school attendance.

Sec. 2. 20 MRSA § 914 is repealed and the following enacted in its place:
§ 914. **Habitual truant; definition**

1. **Habitual truant.** A child is an habitual truant if he is absent from school for 5 full or for 10 half school days within any 6-month period for other than an excusable absence as referred to in section 911.

STATEMENT OF FACT

This proposed legislation is designed to provide flexibility in the compulsory school attendance law and equity in dealing with truancy for both pupils and local educational agencies in meeting educational, social and personal needs. Every attempt is intended to be made by parents, pupils and local educational agencies to foster and participate in suitable educational programs.

Even though sincere efforts are made to provide individualized educational opportunities, there will be a small number of pupils who will violate the law in regard to school attendance. Currently, due to a recent change in the juvenile statutes, the courts usually will not hear truancy cases. This bill establishes procedures which will allow for a judicial review in cases where local educational agencies have not been able to resolve the problem of habitual truancy.