

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-882)

CONFERENCE COMMITTEE AMENDMENT "A" to H.P. 1650, L. D. 1851, .  
Bill, "AN ACT Relating to Habitual Truants and School Dropouts."

Amend the bill in section 1 in that part designated "§911."  
by striking out all of subsection 2 and inserting in its place the  
following:

'2. Excusable absences. For the purposes of this chapter  
excusable absence shall mean an absence from school for one of the  
following reasons:

- A. Personal illness;
- B. Appointments with health professionals that cannot be  
made outside of the regular school day;
- C. Observance of recognized religious holidays when the  
observance is required during a regular school day;
- D. Emergency family situations; or
- E. Planned absences for personal or educational purposes  
which have been approved in advance.

Further amend the bill in section 1 in that part designated  
in subsection 3,  
"§911"/by striking out all of the last underlined sentence.

Further amend the bill in section 1 in that part designated  
"§911." subsection 5, by inserting at the end the following new  
sentence:

'The local school committee or board of directors shall file a  
copy of these rules and regulations with the commissioner.'

Further amend the bill in section/<sup>1</sup>in that part designated "§911." subsection 6, paragraph E, by striking out all of subparagraph (2) and inserting in its place the following:

'(2) Their right to inspect the child's records and the principal's report; and'

Further amend the bill in section 1 in that part designated "§911." subsection 7, paragraph B, by striking out all of subparagraphs (1) and (2) and inserting in their place the following:

'(1) The parents or guardian may appeal this decision to the commissioner who shall appoint a fair hearing officer to hear the appeal;

(2) The fair hearing officer shall make a report to the commissioner on the testimony presented at the hearing and shall make a recommendation to the commissioner as to the disposition of the appeal; and

(3) The commissioner shall review the report and recommendation of the fair hearing officer and shall affirm, modify or reverse the decision of the local school committee or board of directors.'

Further amend the bill in section 1 in that part designated "§911." by striking out all of subsection 8 and inserting in its place the following:

'8. Responsibilities of parents and guardians; penalties. All persons having children under their control shall cause them to attend school as provided in this section. Any person having control of a child who is an habitual truant as defined in section 914 and being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine of not more than \$25 or by imprisonment for not more than 30 days for each offense. If the court imposes a sentence of probation, it may in its sentence, as a condition of probation, require that the convicted person receive professional counseling by a qualified professional counselor who shall be selected by the convicted person, with the approval of the court, or by the court. The counselor shall submit a written report of his counseling to the court and to the person counseled.'

Further amend the bill in section 1 in that part designated "§911." by striking out all of subsection 10 and inserting in its place the following:

'10. Alternate program; involvement of student. Subject to the following conditions, the principal, with the approval of the local school committee or board of directors, is authorized to excuse any pupil who is 14 years of age or older from regular school programs for the purpose of participating in a suitable program of work, work study or training.

A. A pupil may not be excused unless the principal has received the consent of both the pupil and the pupil's

parents or guardians.

B. Whenever the principal refuses to excuse a pupil and both the pupil and pupil's parents or guardians consent to the pupil's being excused, the parents or guardians may appeal the principal's decision to the local school committee or board of directors.

Because many students are alienated from regular school programs or have personal barriers preventing successful continuation in these programs, any student considered for an alternate program under this subsection shall be included in the process of selection and formation of these alternate programs.'

Further amend the bill in section 1 in that part designated "911." by inserting at the end the following:

'11. Reports; superintendents; commissioner.

A. Each superintendent shall submit to the commissioner annually, prior to October 1st, a report which includes an identification of the number of habitual truants designated in the unit during the previous school year, a description of the efforts made by the local unit on behalf of habitual truants, an account of the number and disposition of actions brought under subsection 8 and any other information relating to truancy which the commissioner deems necessary.

B. The commissioner shall submit to the Legislature and the Governor annually, prior to January 15th, a report which includes an identification of the number of pupils designated as habitual truants during the previous school year, describes

the development and use of alternate programs as authorized in this section as well as other efforts made by local units on behalf of habitual truants, identifies the number and disposition of actions brought under subsection 8 and assesses the effect of the provisions of this section on the incidence of truancy throughout the State.'

Further amend the bill in section 3 by inserting at the end of that part designated "§966." the following underlined sentence.

'For subsidy distribution purposes, the previous sentence shall not be in effect until the 1978-79 school year.'

Further amend the bill in section 4 by striking out all of the amending clause and inserting in its place the following:

'Sec. 4. 20 MRSA §3748, sub-§1, ¶B, sub-¶¶(1), (2) and (3) are enacted to read:'

Further amend the bill in section 4, subparagraph (1) by striking out all of the last underlined sentence and inserting in its place the following:

'Because many students are alienated from regular school programs or have personal barriers preventing successful continuation in these programs, any student considered for alternate programs under this section shall be involved in the process of selection and formation of these alternate programs.'

Further amend the bill in section 4, subparagraph (2), by inserting after the first sentence, the following:

'For subsidy purposes no pupil shall be counted as more than one pupil under this Title.'

Statement of Fact

The purposes of this amendment are to:

1. Define the term "excusable absence;"
2. Delete an unnecessary reference to the commissioner;
3. Provide that rules and regulations established by local units are filed with the commissioner;
4. Provide that parents shall be permitted to inspect the principal's report;
5. Clarify the procedure for appealing from the decision of the local school committee or board of directors;
6. Provide that penalties in the existing law for causing a student to be an habitual truant are retained and authorize the court to require that, as a condition of probation, parents should receive professional counseling;
7. Permit pupil 14 years of age or older to be eligible for alternate programs;
8. Require annual reports from superintendents to the commissioner and from the commissioner to the Legislature and Governor which shall include the pertinent data relating to truancy and the local unit's efforts to address the problem; and
9. Delay the effective date of section 3 until 1978-79 for purposes of subsidy distribution.

Reported by the Committee of Conference.