

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1851

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H. P. 1650

House of Representatives, June 6, 1977

Reported by Mr. Lynch from Committee on Education. Sent up for concurrence and ordered printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Relating to Habitual Truants and School Dropouts.**

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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Sec. 1. 20 MRSA § 911, as last amended by PL 1975, c. 510, § 21, is repealed and the following enacted in its place: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 permits for certain children; 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 the positive action committee and any other 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; and

(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.

8. Responsibilities of parents and guardians. 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. Special work permit. A child between the ages of 15 and 17 who is unable 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.

10. 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. 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 selection and formation of these alternate programs.

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 school days or for 10 half school days within any 6-month period for other than an excusable absence as referred to in section 911.

Sec. 3. 20 MRSA § 966 is amended to read:

§ 966. Return to commissioner

Each superintendent of schools and each private school principal shall annually on October 1st and April 1st make returns to the commissioner of the number of residents of the State enrolled in elementary and secondary schools in the administrative unit or ~~units~~ school under his jurisdiction. Any

resident pupil counted in a unit or school on October 1st must maintain a minimum attendance of 85% between October 1st and April 1st, exclusive of sickness or other excused absences, to be included in the count on April 1st. Students transferring into a unit or school must maintain a minimum attendance of 85%, exclusive of sickness or other excused absences, from the date of entry until April 1st to be counted in the April 1st count.

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

(1) Programs for school dropouts and truants. Administrative units are encouraged to establish part-time or full-time programs for school dropouts and chronic truants of legal school age. 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 selection and formation of the alternate programs.

(2) Count of pupils for subsidy purposes. Students enrolled in such programs shall be counted as .2 of a pupil for enrolling in a credit course leading toward high school graduation. The reimbursement to the unit shall be in accordance with the provisions of this chapter.

(3) Tuition; approval of superintendent; commissioner's guidelines. Whenever a unit has no program for such students, it may, with the approval of the superintendent of schools, tuition such students to a neighboring administrative unit or private school. The sending unit shall pay tuition in an amount no greater than .2 of the present per pupil subsidy allocation for secondary students in the sending unit, for each course where a student is enrolled. The commissioner shall establish guidelines for the administration of this program.

#### STATEMENT OF FACT

The purposes of this bill are to:

1. Establish a set of uniform procedures for local units to use in dealing with pupils who are habitual truants;
2. Change the method of counting students for subsidy purposes so that local units have a greater incentive to retain students in school; and
3. Provide the authority for local units to establish alternate programs for school dropouts and truants.