MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
http://legislature.maine.gov/lawlib

114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document	No. 1009

H.P. 732   House of Representatives, April 3, 1989

Reference to the Committee on Education suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.
  Cosponsored by Representative O'GARA of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Revise the Truancy Laws.

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

3   **Sec. 1. 20-A MRSA §5051, sub-§2, ¶A-1** is enacted to read:

5   A-1. As part of the informal measures, the superintendent
        may ask the parents to attend a series of meetings with
7   their child's teacher or other school personnel designated
        by the superintendent. The purpose of the meetings is to
9   describe the education program to the parents and explain
        the value of their child attending school. The
11   superintendent shall arrange meeting times convenient to the
        parents. If the parents do not attend the meetings, the
13   superintendent may seek a court order requiring their
        attendance. The fact that a child is an habitual truant
15   under subsection 1 and the superintendent documents the fact
        that the parents were informed about the meetings but did
17   not attend are sufficient grounds for the court to issue a
        court order requiring parents attendance.
19
        Sec. 2. 20-A MRSA §5051, sub-§2, ¶C-1 is enacted to read:
21
        C-1. The school board shall, when it calls a hearing,
23   inform, in writing, the regional manager of the Department
        of Human Services, Child and Family Service Division serving
25   the area in which the parents reside of the nature of the
        problem and of the time and place of the school board
27   hearing. When appropriate, the school board and the
        regional manager of the Child and Family Service Division
29   shall work to assure there is a coordinated plan of action.

31   **Sec. 3. 20-A MRSA §5053, sub-§1, ¶A,** as amended by PL 1983, c.
       806, §54, is further amended to read:
33
        A. Having control of a student who is an habitual truant
35   and being primarily responsible for that truancy. Failure
        to comply with a court order under section 5051, subsection
37   2, paragraph A-1, and with the school board's decision under
        section 5051, subsection 2, paragraph D, is sufficient
39   grounds for judging the parents primarily responsible for
        their child's truancy;
41
        Sec. 4. 20-A MRSA §5053, sub-§4, ¶A, as enacted by PL 1981, c.
43   693, §§5 and 8, is amended to read:

45   A. A person guilty of a civil violation under:

47   (1) Subsection 1, paragraph A ~~shall~~ may be punished by
            a forfeiture of not more than $200 and the court may
49   order that the person perform a specified number of
            hours of community service. The court may waive
51   imposition of a forfeiture and order the person to

1 perform a specified number of hours of community
  service in lieu of the forfeiture; and

3
  (2) Subsection 1, paragraphs B and C shall be punished
5 by a forfeiture of not less than $500 $250.

7 **Sec. 5. 20-A MRSA §5053, sub-§4, ¶D** is enacted to read:

9 D. The court may report the parents to the Department of
  Human Services for possible child neglect.
11

13
STATEMENT OF FACT
15
      This bill revises the truancy law. It clarifies the school
17 unit's and Department of Human Services' responsibility. It
  specifies the evidence needed to determine the parents'
19 responsibility for their child's truancy and, specifically, it
  encourages more constructive communications between the school
21 and parents, strengthens the school's position if they must bring
  the parents to court in order to get the student to attend school
23 and provides the courts with the option of assessing community
  service for parents.