

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 454

H.P. 353

House of Representatives, January 30, 2007

### An Act To Amend Truancy Laws Regarding Parent Involvement

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative SILSBY of Augusta.  
Cosponsored by Senator McCORMICK of Kennebec and  
Representatives: BEAULIEU of Auburn, CONNOR of Kennebunk, CROCKETT of Augusta,  
NORTON of Bangor, PRESCOTT of Topsham, SAMSON of Auburn, SUTHERLAND of  
Chapman, TRINWARD of Waterville.

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

2 **Sec. 1. 20-A MRSA §3272, sub-§2**, as amended by PL 1989, c. 415, §5, is  
3 repealed and the following enacted in its place:

4 **2. Habitual truancy.** A person is habitually truant if:

5 A. The person is required to attend school or alternative instruction and has  
6 completed grade 6 under this chapter and has the equivalent of 10 full days of  
7 unexcused absences or 7 consecutive school days of unexcused absences during a  
8 school year; or

9 B. The person is required to attend school or alternative instruction and is over 6  
10 years of age and has not completed grade 6 under this chapter and has the equivalent  
11 of 7 full days of unexcused absences or 5 consecutive school days of unexcused  
12 absences during a school year.

13 **Sec. 2. 20-A MRSA §3272, sub-§3**, as enacted by PL 1985, c. 490, §8, is  
14 amended to read:

15 **3. Excusable absence.** A person's absence is excused when the absence is for the  
16 following reasons:

17 A. Personal illness;

18 B. An appointment with a health professional that must be made during the regular  
19 school day and has prior approval or reporting;

20 C. Observance of a recognized religious holiday when the observance is required  
21 during the regular school day and has prior approval or reporting;

22 D. A family emergency; or

23 E. A planned absence for a personal or educational purpose ~~which that has been~~  
24 approved prior approval or reporting.

25 **Sec. 3. 20-A MRSA §5051-A, sub-§1, ¶A**, as enacted by PL 2003, c. 533, §3, is  
26 amended to read:

27 A. Is subject to section 5001-A; ~~and~~

28 **Sec. 4. 20-A MRSA §5051-A, sub-§1, ¶B**, as enacted by PL 2003, c. 533, §3, is  
29 amended to read:

30 B. Has the equivalent of 10 full days of unexcused absences or 7 consecutive  
31 school days of unexcused absences during a school year; ~~;~~ and

32 **Sec. 5. 20-A MRSA §5051-A, sub-§1, ¶C** is enacted to read:

33 C. Is over 6 years of age and has not completed grade 6 under this chapter and has  
34 the equivalent of 7 full days of unexcused absences or 5 consecutive school days of  
35 unexcused absences during a school year.

1       **Sec. 6. 20-A MRSA §5051-A, sub-§2, ¶C**, as enacted by PL 2003, c. 533, §3, is  
2 amended to read:

3       C. If the superintendent or superintendent's designee is unable to correct the truancy  
4 of the child, the superintendent or superintendent's designee shall serve or cause to be  
5 served upon the parent in hand or by registered mail a written notice that attendance  
6 of the child at school is required by law. The notice must:

- 7           (1) State that the student is required to attend school pursuant to section 5001-A;
- 8           (2) Explain the parent's right to inspect the student's attendance records,  
9 attendance coordinator's reports and principal's reports;
- 10          (3) Explain that the failure to send the student to school and maintain the student  
11 in regular attendance is a civil violation or Class E crime in accordance with  
12 section 5053-A and explain the possible penalties;
- 13          (4) State that the superintendent or the superintendent's designee may notify the  
14 local law enforcement department of a violation of this statute; and
- 15          (5) Outline the plan developed to address the student's habitual truancy and the  
16 steps that have been taken to implement that plan.

17       **Sec. 7. 20-A MRSA §5051-A, sub-§2, ¶D**, as enacted by PL 2003, c. 533, §3, is  
18 amended to read:

19       D. Prior to notifying the local law enforcement department under paragraph E, the  
20 superintendent or superintendent's designee shall schedule at least one meeting as  
21 required in paragraph B and may invite a local prosecutor.

22       **Sec. 8. 20-A MRSA §5053-A**, as enacted by PL 2003, c. 533, §5, is amended to  
23 read:

24       **§5053-A. Enforcement**

25       **1. Civil violation.** If a parent has control of a student who is habitually truant under  
26 section 3272, subsection 2, paragraph A and that parent is primarily responsible for that  
27 truancy, that parent commits a civil violation for which a fine of not less than \$25 may be  
28 adjudged.

29       **1-A. Class E crime.** If a parent has control of a student who is habitually truant  
30 under section 3272, subsection 2, paragraph B and that parent is aware of the habitual  
31 truancy yet fails to take corrective measures, that parent commits a Class E crime.

32       **2. Dispositions.** The court may also order a parent adjudicated as violating  
33 subsection 1 or 1-A to take specific action to ensure the child's attendance at school;  
34 comply with the plan developed in accordance with section 5051-A, subsection 2,  
35 paragraph A; participate in a parent-training class; attend school with the child; perform  
36 community service hours at the school; or participate in counseling or other services as  
37 appropriate.

