

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>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SMG
A. et S.

Date: 2-22-12

(Filing No. H-714)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 473,
L.D. 1503, Bill, "An Act To Promote School Attendance and Increase School
Achievement"

Amend the amendment by striking out all of sections 12, 13 and 14.

Amend the amendment by striking out all of section 16 and inserting the following:

Sec. 16. 20-A MRSA §5051-A, as amended by PL 2007, c. 304, §§5 to 7, is
further amended to read:

§5051-A. Truancy

1. Truant. A student is ~~habitually~~ truant if the student is subject to section 5001-A
and:

B. Has completed grade 6 and has the equivalent of 10 full days of unexcused
absences or 7 consecutive school days of unexcused absences during a school year; or

C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of
7 full days of unexcused absences or 5 consecutive school days of unexcused
absences during a school year.

2. Procedures. This subsection governs the procedure to be followed when a
student is ~~habitually~~ truant.

A. If a principal of a public school and the attendance coordinator determine that a
student is ~~habitually~~ truant, the principal shall inform the superintendent. The
superintendent or the superintendent's designee shall first try to correct the problem
informally. Informal attempts to correct the problem must include meeting with the
student and the student's parents to identify possible causes of the ~~habitual~~ truancy
and develop a plan to implement solutions to the problem. If an initial meeting does
not resolve the problem, the superintendent or superintendent's designee shall
implement interventions that best address the problem. The interventions may
include, but are not limited to:

- (1) Frequent communication between the teacher and the family;
- (2) Changes in the learning environment;

A. of S.

- 1 (3) Mentoring;
- 2 (4) Student counseling;
- 3 (5) Tutoring, including peer tutoring;
- 4 (6) Placement into different classes;
- 5 (7) Evaluation for alternative education programs;
- 6 (8) Attendance contracts;
- 7 (9) Referral to other agencies for family services; and
- 8 (10) Other interventions, including, but not limited to, referral to the school
- 9 attendance coordinator, student assistance team or dropout prevention committee.

10 Failure of the student or the student's parents to appear at scheduled meetings does
11 not preclude the school administrators from implementing a plan to address the
12 student's habitual truancy.

13 B. As part of correcting the problem informally, the superintendent or
14 superintendent's designee shall require the student and the student's parents to attend
15 one or more meetings with the student's teacher or other school personnel designated
16 by the superintendent. The purpose of the meetings is to reinforce the plan developed
17 in paragraph A or to develop an alternative plan. The meeting or meetings may
18 involve the presence of others, including, but not limited to, case managers,
19 therapeutic treatment providers and representatives of the Department of Health and
20 Human Services, ~~the Department of Behavioral and Developmental Services~~ and the
21 Department of Corrections. The superintendent or superintendent's designee shall
22 arrange mutually convenient meeting times.

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

- 27 (1) State that the student is required to attend school pursuant to section 5001-A;
- 28 (2) Explain the parent's right to inspect the student's attendance records,
- 29 attendance coordinator's reports and principal's reports;
- 30 (3) Explain that the failure to send the student to school and maintain the student
31 in regular attendance is a civil violation in accordance with section 5053-A and
32 explain the possible penalties;
- 33 (4) State that the superintendent or the superintendent's designee may notify the
34 local law enforcement department of a violation of this statute and the
35 Department of Health and Human Services of a violation under subsection 1,
36 paragraph C; and
- 37 (5) Outline the plan developed to address the student's habitual truancy and the
38 steps that have been taken to implement that plan.

R. G. S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

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

E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent or superintendent's designee shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A.

F. When a student is determined ~~habitually~~ to be truant and in violation of section 5001-A and the superintendent or superintendent's designee has made a good faith attempt to meet the requirements of paragraph B, the superintendent or superintendent's designee shall notify the school board and the local law enforcement department of the student's truancy. After this notification, a local law enforcement officer who sees the truant student may transport the truant student to the appropriate school if the truant student:

- (1) Is off school grounds during school hours; and
- (2) Is not under the supervision of school personnel.

3. Reports. This subsection applies to reports of ~~habitual~~ truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

- (1) Identify the number of ~~habitual~~ truants in the school administrative unit in the preceding school year;
- (2) Describe the unit's efforts to deal with ~~habitual~~ truancy;
- (3) Account for actions brought under this section; and
- (4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.'


Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

A. 4. 3.

1
2
3
4
5
6
7
8

SUMMARY

This amendment removes the provisions that change the ages and exceptions for compulsory school attendance and amend the laws governing truancy. It retains the changes made to make language regarding truancy consistent with the other provisions of the bill.

SPONSORED BY: 
(Representative ESPLING)

TOWN: New Gloucester