

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1503

S.P. 473

In Senate, April 21, 2011

### **An Act To Promote School Attendance and Increase School Achievement**

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Received by the Secretary of the Senate on April 20, 2011. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Senator: JACKSON of Aroostook, Representatives: RANKIN of Hiram,  
RICHARDSON of Carmel, WAGNER of Lewiston.

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

2 **Sec. 1. 20-A MRSA §1, sub-§2-A, ¶C**, as enacted by PL 2007, c. 667, §3, is  
3 amended to read:

4 C. Is ~~habitually~~ truant; or

5 **Sec. 2. 20-A MRSA §1, sub-§24-D** is enacted to read:

6 **24-D. Response to intervention team.** "Response to intervention team" means a  
7 team designated by a principal or the principal's designee to develop and implement a  
8 method of intervention or interventions developed in accordance with the requirements  
9 set forth in section 4710 that are designed to provide early, effective assistance to  
10 children who have difficulty learning.

11 **Sec. 3. 20-A MRSA §1001, sub-§8-A** is enacted to read:

12 **8-A. Due process standards for expulsion proceedings.** Following a proper  
13 investigation of a student's behavior, a school board that intends to consider expulsion  
14 shall ensure proceedings include the following due process proceedings.

15 A. Before a hearing on the expulsion, the superintendent shall:

16 (1) Provide written notice to the parents or legal guardian and the student of:

17 (a) The date, time and location of the hearing;

18 (b) A description of the incident or incidents that occasioned the expulsion  
19 hearing and the exhibits and testimony the superintendent intends to  
20 introduce at the hearing with sufficient specificity to allow the student to  
21 present a defense;

22 (c) The student's and parents' or legal guardian's right to review the school  
23 records prior to the hearing;

24 (d) A description of the hearing process;

25 (e) An explanation of the consequences of an expulsion; and

26 (f) The student's right to appeal the decision of the school board to the  
27 Superior Court within 30 days; and

28 (2) Invite the parents or legal guardian and student to a meeting prior to the  
29 expulsion hearing to discuss the procedures of the hearing.

30 B. At a hearing on the expulsion:

31 (1) The student has the right to present and cross-examine witnesses;

32 (2) The student has the right to an attorney or other representation;

33 (3) Witnesses must be sworn in and the chair of the hearing has the authority to  
34 swear witnesses in; and

35 (4) The school board shall maintain a record of the hearing.

1 C. After a hearing on the expulsion, the school board shall provide written notice of  
2 its decision to the parents or legal guardian and the student by certified mail, return  
3 receipt requested, or by delivery in hand. The notice of the school board's written  
4 decision must include findings of fact, conclusions of law, information on the  
5 student's right to appeal the decision to the Superior Court within 30 days and a  
6 reentry plan developed in accordance with subsection 9-C.

7 **Sec. 4. 20-A MRSA §1001, sub-§9**, as amended by PL 1997, c. 298, §1, is  
8 further amended to read:

9 **9. Students expelled or suspended.** Following a proper investigation of a student's  
10 behavior and due process proceedings pursuant to subsection 8-A, if found necessary for  
11 the peace and usefulness of the school, ~~they~~ a school board shall expel any student:

12 A. Who is deliberately disobedient or deliberately disorderly;

13 B. For infractions of violence;

14 C. Who possesses on school property a firearm as defined in Title 17-A, section 2,  
15 subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2,  
16 subsection 9 without permission of a school official;

17 D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2,  
18 subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies  
19 use of a weapon with a threat to cause injury; or

20 E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title  
21 17-A, chapter 45.

22 A student has 30 days to appeal a decision of the school board to the Superior Court. A  
23 student may be readmitted on satisfactory evidence that the behavior that was the cause of  
24 the student being expelled will not likely recur and that the student has met the  
25 requirements of the reentry plan developed in accordance with subsection 9-C. The  
26 school board may authorize the principal to suspend students up to a maximum of 10  
27 days for infractions of school rules. In addition to other powers and duties under this  
28 subsection, the school board may develop a policy requiring a student who is in violation  
29 of school substance abuse or possession rules to participate in substance abuse services as  
30 provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school  
31 board from providing educational services in an alternative setting to a student who has  
32 been expelled.

33 **Sec. 5. 20-A MRSA §1001, sub-§9-C** is enacted to read:

34 **9-C. Reentry for students after expulsion.** Upon making a decision to expel a  
35 student in accordance with procedures set forth in subsections 8-A and 9, a school board  
36 shall ensure that the student who has been expelled is provided with a reentry plan in  
37 accordance with this subsection.

38 A. The reentry plan must be developed by the superintendent or the superintendent's  
39 designee in consultation with the student and the student's parents or legal guardian to  
40 provide guidance that helps the student understand what the student must do to

1 establish satisfactory evidence that the behavior that resulted in the expulsion will not  
2 likely recur.

3 B. The superintendent or the superintendent's designee shall send a certified letter,  
4 return receipt requested, or hand deliver a letter to the parents or legal guardian of the  
5 expelled student giving notice of the date, time and location of a meeting to develop a  
6 reentry plan for the student.

7 C. If the student and the student's parents or legal guardian do not attend the meeting  
8 under paragraph B, the reentry plan must be developed by school staff.

9 D. The reentry plan must be provided to the parents or legal guardian and the student  
10 in writing.

11 E. The superintendent shall designate a school employee to review the student's  
12 progress with the reentry plan at intervals of one month, 3 months and 6 months after  
13 the meeting and at other times as determined necessary by the designated school  
14 employee.

15 F. The superintendent shall annually report data on the number of students who are  
16 expelled from school and the number of students who are readmitted to school after  
17 expulsion to the commissioner's consultant on truancy, dropouts and alternative  
18 education under section 5151.

19 **Sec. 6. 20-A MRSA §1001, sub-§15-A** is enacted to read:

20 **15-A. School disciplinary policies.** Prior to the 2012-2013 school year and with  
21 input from educators, administrators, parents, students and community members, a school  
22 board shall adopt districtwide school disciplinary policies consistent with the student  
23 code of conduct developed under subsection 15. The districtwide school disciplinary  
24 policies must:

25 A. Focus on positive interventions and expectations and avoid focusing exclusively  
26 on unacceptable student behavior;

27 B. Focus on evidence-based, positive and restorative interventions rather than set  
28 punishments for specific behavior and avoid zero-tolerance practices unless  
29 specifically required by federal or state laws, rules or regulations;

30 C. Allow administrators to use their discretion to fashion appropriate discipline that  
31 examines the circumstances pertinent to the case at hand;

32 D. Use suspensions and expulsions as a last resort in order to avoid learning  
33 disruption for students; and

34 E. Provide written notice to the parents or legal guardian of a student when a student  
35 is suspended from school, regardless of whether the suspension is an in-school or out-  
36 of-school suspension.

37 The school board shall ensure that administrators inform students, parents and school  
38 personnel of the districtwide school disciplinary policies.

39 **Sec. 7. 20-A MRSA §3271, sub-§3, ¶C,** as enacted by PL 1985, c. 490, §8, is  
40 amended to read:

1 C. A person who has been adjudged ~~an habitual~~ a truant and has been excused from  
2 attendance pursuant to procedures established by the commissioner.

3 **Sec. 8. 20-A MRSA §3272, sub-§1**, as enacted by PL 1985, c. 490, §8, is  
4 repealed.

5 **Sec. 9. 20-A MRSA §3272, sub-§2**, as repealed and replaced by PL 2007, c. 304,  
6 §1, is amended to read:

7 **2. Truancy.** A person is ~~habitually~~ truant if:

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

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

16 **Sec. 10. 20-A MRSA §3273, sub-§1**, as repealed and replaced by PL 2007, c.  
17 304, §3, is amended to read:

18 **1. Civil violations.** A parent who has control of a person who is ~~habitually~~ truant  
19 under section 3272, subsection 2 and who is primarily responsible for that person's  
20 truancy commits a civil violation under this chapter.

21 **Sec. 11. 20-A MRSA §5001-A, sub-§1**, as enacted by PL 1983, c. 806, §49, is  
22 amended to read:

23 **1. Requirement.** Persons ~~7 6~~ years of age or older and under ~~17~~ 20 years of age  
24 shall attend a public day school during the time it is in regular session through high  
25 school graduation or equivalency.

26 **Sec. 12. 20-A MRSA §5001-A, sub-§2**, as amended by PL 2009, c. 330, §§1 to  
27 3, is further amended to read:

28 **2. Exceptions.** Attendance at school ~~shall~~ may not be required of ~~the following~~:

29 A. A person who ~~graduates from high school before that person's 17th birthday~~ has  
30 reached the age of majority and met with the superintendent to discuss the decision to  
31 withdraw from school;

32 B. A person who has:

33 (1) Reached ~~the age of 15~~ 16 years of age or completed the 9th grade;

34 (2) ~~Permission~~ Obtained permission to leave school from that person's parent or  
35 legal guardian;

36 (3) Been approved by the principal for a suitable program of work and study or  
37 training;

1                    (3-A) Has met with the superintendent or the superintendent's designee to  
2                    discuss the decision to withdraw from school; and

3                    ~~(4) Permission~~ Obtained permission to leave school from the school board or its  
4                    designee; ~~and~~

5                    ~~(5) Agreed in writing with that person's parent and the school board or its~~  
6                    ~~designee to meet annually until that person's 17th birthday to review that person's~~  
7                    ~~educational needs. When the request to be excused from school has been denied~~  
8                    ~~pursuant to this paragraph, the student's parent may appeal to the commissioner;~~

9                    D. A person who has matriculated and is attending an accredited, ~~post-secondary~~  
10                    postsecondary, degree-granting institution as a full-time student. An exception to  
11                    attendance in public school under this paragraph must be approved by the  
12                    commissioner; or

13                    E. A person enrolled in an online learning program or course.

14                    **Sec. 13. 20-A MRS §5031, sub-§1**, as enacted by PL 2009, c. 626, §1, is  
15                    amended to read:

16                    **1. Goal.** It is the goal of the State to achieve a graduation rate of 90% by the end of  
17                    the 2015-2016 school year for each publicly supported secondary school. In addition to  
18                    calculating the 4-year adjusted cohort graduation rate following the procedures outlined  
19                    in 34 Code of Federal Regulations, Section 200.19, the department shall also calculate  
20                    and record for each publicly supported secondary school:

21                    A. Beginning with the graduation rate reported for school year 2010-2011 and for  
22                    each school year thereafter, the 5-year adjusted cohort graduation rate;

23                    B. Beginning with the graduation rate reported for school year 2011-2012 and for  
24                    each school year thereafter, the 6-year adjusted cohort graduation rate; and

25                    C. Beginning with the graduation rate reported for school year 2010-2011 and for  
26                    each school year thereafter, other descriptors of academic success for school-age  
27                    students on a statewide aggregate basis, including the rates of attainment of a:

28                    (1) Department of Education diploma as described under section 5161;

29                    (2) High school equivalency diploma as described under section 257; and

30                    (3) High school equivalency diploma obtained through a high school completion  
31                    course that includes general educational development preparation courses from  
32                    an adult education program as described in chapter 315.

33                    The department shall adopt rules specifying that the methods used to calculate publicly  
34                    supported secondary school graduation rates through the 2015-2016 school year must  
35                    include calculations for 5-year and 6-year adjusted cohort graduation rates under  
36                    paragraphs A and B and other descriptors of academic success under paragraph C.

37                    **Sec. 14. 20-A MRS §5051-A**, as amended by PL 2007, c. 304, §§5 to 7, is  
38                    further amended to read:

1           **§5051-A. Truancy**

2           **1. Truant.** A student is ~~habitually~~ truant if the student is subject to section 5001-A  
3 and: is at least 6 years of age and has not completed grade 12 and has the equivalent of 10  
4 cumulative full days of absences or 5 consecutive school days of absences, excused or  
5 otherwise, during a school year.

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

8           ~~C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of~~  
9 ~~7 full days of unexcused absences or 5 consecutive school days of unexcused~~  
10 ~~absences during a school year.~~

11           **2. Procedures; written notice; referral.** This subsection governs the procedure to  
12 be followed when a student is ~~habitually~~ truant.

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

22                   (1) ~~Frequent communication between the teacher and the family;~~

23                   (2) ~~Changes in the learning environment;~~

24                   (3) ~~Mentoring;~~

25                   (4) ~~Student counseling;~~

26                   (5) ~~Tutoring, including peer tutoring;~~

27                   (6) ~~Placement into different classes;~~

28                   (7) ~~Evaluation for alternative education programs;~~

29                   (8) ~~Attendance contracts;~~

30                   (9) ~~Referral to other agencies for family services; and~~

31                   (10) ~~Other interventions, including, but not limited to, referral to the school~~  
32 ~~attendance coordinator, student assistance team or dropout prevention committee.~~

33           ~~Failure of the student or the student's parents to appear at scheduled meetings does~~  
34 ~~not preclude the school administrators from implementing a plan to address the~~  
35 ~~student's habitual truancy.~~

36           A-1. The principal, upon determining that a student is truant under subsection 1,  
37 shall send a certified letter, return receipt requested, or hand deliver a letter to the  
38 parent or guardian giving notice of the potential jeopardy of the student's status in the



1 student's grade and giving notice that the student has been referred to a response to  
2 intervention team.

3 A-2. A student who is determined truant under subsection 1 must be referred to the  
4 school's response to intervention team. The response to intervention team shall  
5 determine the cause of the truancy and assess the effect of the student's absences, as  
6 well as any future absences for the student. If the response to intervention team  
7 determines that a negative effect exists, the team shall develop an intervention plan to  
8 address the student's absences and the negative effect of these absences. An  
9 intervention plan may include, but is not limited to:

10 (1) Frequent communication between the teacher and the family;

11 (2) Changes in the learning environment;

12 (3) Mentoring;

13 (4) Student counseling;

14 (5) Tutoring, including peer tutoring;

15 (6) Placement into different classes;

16 (7) Consideration of multiple pathways as described under section 4703;

17 (8) Attendance contracts;

18 (9) Referral to other agencies for family services; and

19 (10) Other interventions, including, but not limited to, referral to the school  
20 attendance coordinator, student assistance team or dropout prevention committee.

21 Failure of the student or the student's parents or guardian to appear at scheduled  
22 meetings does not preclude the school administrators from implementing an  
23 intervention plan to address the student's truancy.

24 ~~B. As part of correcting the problem informally, the superintendent or~~  
25 ~~superintendent's designee shall require the student and the student's parents to attend~~  
26 ~~one or more meetings with the student's teacher or other school personnel designated~~  
27 ~~by the superintendent. The purpose of the meetings is to reinforce the plan developed~~  
28 ~~in paragraph A or to develop an alternative plan. The meeting or meetings may~~  
29 ~~involve the presence of others, including, but not limited to, case managers,~~  
30 ~~therapeutic treatment providers and representatives of the Department of Human~~  
31 ~~Services, the Department of Behavioral and Developmental Services and the~~  
32 ~~Department of Corrections. The superintendent or superintendent's designee shall~~  
33 ~~arrange mutually convenient meeting times.~~

34 B-1. The superintendent shall develop procedures to refer a student who is truant to  
35 the response to intervention team in accordance with this section. These procedures  
36 may include, but are not limited to:

37 (1) Identifying school personnel responsible for notifying the response to  
38 intervention team when a student is truant;

1 (2) A process for referral of a student who is truant, including identifying school  
2 personnel responsible for inviting the parents or guardian and the student to  
3 participate in any meeting that results from this referral;

4 (3) A timeline for setting up a meeting and developing an intervention plan  
5 under paragraph A-2;

6 (4) A plan for dealing with future absences of a student who is truant; and

7 (5) A plan for reporting of the results of the response to intervention team.

8 C. If the ~~superintendent or superintendent's designee~~ intervention plan of the  
9 response to intervention team developed pursuant to paragraph A-2 is unable to  
10 correct the truancy of the child, the superintendent ~~or superintendent's designee~~ shall  
11 serve or cause to be served upon the parent in hand or by registered mail a written  
12 notice that attendance of the child at school is required by law. The notice must:

13 (1) State that the student is required to attend school pursuant to section 5001-A;

14 (2) Explain the parent's right to inspect the student's attendance records,  
15 attendance coordinator's reports and principal's reports;

16 (3) Explain that the failure to send the student to school and maintain the student  
17 in regular attendance is a civil violation in accordance with section 5053-A and  
18 explain the possible penalties will jeopardize the student's status in the grade that  
19 the student is in;

20 (4) State that the superintendent ~~or the superintendent's designee~~ may notify the  
21 local law enforcement department of a violation of ~~this statute~~ section 5053-A  
22 and the Department of Health and Human Services of a violation under  
23 subsection 1, ~~paragraph C;~~ and

24 (5) Outline the plan developed to address the student's ~~habitual~~ truancy and the  
25 steps that have been taken to implement that plan.

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

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

36 F. When a student is determined ~~habitually~~ to be truant and in violation of section  
37 5001-A and the response to intervention team and the superintendent ~~or~~  
38 ~~superintendent's designee~~ has have made a good faith attempt to meet the  
39 requirements of paragraph B B-1, the superintendent ~~or superintendent's designee~~  
40 shall notify the school board and the local law enforcement department of the  
41 student's truancy. ~~After this notification, a local law enforcement officer who sees~~

1 ~~the truant student may transport the truant student to the appropriate school if the~~  
2 ~~truant student:~~

3 (1) ~~Is off school grounds during school hours; and~~

4 (2) ~~Is not under the supervision of school personnel.~~

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

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

8 (1) Identify the number of ~~habitual~~ truants in the school administrative unit in the  
9 preceding school year;

10 (2) Describe the unit's efforts to deal with ~~habitual~~ truancy;

11 (3) Account for actions brought under this section including the number of  
12 truants reported to the response to intervention team; and

13 (4) Include any other information on truancy requested by the commissioner.

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

18 **Sec. 15. 20-A MRSA §5052-A**, as amended by PL 2007, c. 143, §1, is further  
19 amended to read:

20 **§5052-A. Attendance coordinators**

21 The following provisions apply to attendance coordinators.

22 **1. Appointment.** The following provisions apply to the ~~election~~ appointment of  
23 attendance coordinators.

24 A. A ~~school board~~ superintendent shall ~~elect~~ appoint an attendance coordinator or  
25 coordinators.

26 B. Vacancies ~~shall~~ must be filled as they occur.

27 **2. Qualifications.** An attendance coordinator ~~shall~~ must be a professionally certified  
28 or registered person licensed to practice in the mental health, social welfare, school  
29 counseling or educational system who is qualified to carry out the duties in accordance  
30 with rules to be established by the State Board of Education.

31 **3. Duties.** The duties of an attendance coordinator include, but are not limited to, the  
32 following:

33 A. ~~When notified by a principal that a student's attendance is irregular, interviewing~~  
34 ~~the student and the parent or parents or guardian or guardians~~ Interviewing a student  
35 whose attendance is irregular and meeting with the student and the parents or  
36 guardian to determine the cause of the irregular attendance and ~~file~~ filing a written  
37 report with the principal;

1 B. Filing an annual report with the superintendent summarizing school year  
2 activities, findings and recommendations regarding truants;

3 C. Serving as a member of the dropout prevention committee in accordance with  
4 section 5103; ~~and~~

5 C-1. Serving as a member of the response to intervention team to the extent that it  
6 pertains to truancy; and

7 D. Serving as the liaison between the school and the local law enforcement agency in  
8 matters pertaining to student absenteeism under sections 5001-A and 5051-A.

9 **4. Department assistance.** The department shall provide technical assistance to  
10 school attendance coordinators for carrying out these duties, through the Office of  
11 Truancy, Dropout Prevention and Alternative Education.

12 **5. State subsidy.** The salary and benefit costs of attendance coordinators are eligible  
13 for state subsidy under chapter 606-B.

14 **Sec. 16. 20-A MRSA §5053-A, sub-§1,** as amended by PL 2007, c. 304, §8, is  
15 further amended to read:

16 **1. Civil violation.** If a parent has control of a student who is ~~habitually~~ truant under  
17 section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that  
18 parent commits a civil violation for which a fine of not more than \$250 may be adjudged,  
19 all or part of which may be suspended upon the parent's compliance with a court order  
20 under subsection 2.

21 **Sec. 17. 20-A MRSA §5053-A, sub-§2,** as enacted by PL 2003, c. 533, §5, is  
22 amended to read:

23 **2. Dispositions.** The court may also order a parent adjudicated as violating  
24 subsection 1 to take specific action to ensure the child's attendance at school; comply with  
25 the intervention plan developed in accordance with section 5051-A, subsection 2,  
26 paragraph ~~A~~ A-2; participate in a parent-training class; attend school with the child;  
27 perform community service hours at the school; or participate in counseling or other  
28 services as appropriate.

29 **Sec. 18. 20-A MRSA §5053-A, sub-§4,** as amended by PL 2007, c. 304, §9, is  
30 further amended to read:

31 **4. Prima facie proof.** Evidence that shows that the parent received the notice under  
32 section 5051-A, subsection 2 and that the child has accumulated ~~7~~ 10 cumulative full  
33 days of absences or 5 consecutive school days of absences, excused or otherwise, that are  
34 not justified under the established attendance policies of the school administrative unit is  
35 prima facie proof that the parent is primarily responsible for the child's ~~habitual~~ truancy  
36 or the parent failed to take corrective measures for the child's ~~habitual~~ truancy.

37 **Sec. 19. 20-A MRSA §5054,** as enacted by PL 1989, c. 415, §26, is amended to  
38 read:

1           **§5054. Employment of truants prohibited**

2           Any firm or corporation, or agent or manager of any firm or corporation, who hires or  
3 otherwise engages any student who is ~~habitually~~ truant as defined in this subchapter  
4 without a release from the student's supervising superintendent of schools ~~shall be~~ is  
5 subject to the penalty provided in Title 26, section 781.

6           **Sec. 20. 20-A MRSA §5151, sub-§2, ¶J**, as enacted by PL 1985, c. 774, §5, is  
7 amended to read:

8           J. Collect data on the scope of the dropout and truancy problem in the State,  
9 including data on the number of students who are expelled from school and the  
10 number who are readmitted to school after expulsion;

11           **Sec. 21. 20-A MRSA §5154** is enacted to read:

12           **§5154. Department assistance**

13           The commissioner may expend and disburse funds to school administrative units for  
14 the support of interventions that may prevent a student from becoming a truant or a  
15 dropout.

16           **1. Mental health and substance abuse services fund.** A mental health and  
17 substance abuse services fund is established to provide funds for school administrative  
18 units to provide mental health and substance abuse services to a student who is struggling  
19 with mental health and substance abuse issues and who is at risk of becoming a truant or  
20 a dropout.

21           **2. Educational services for expelled students fund.** An educational services for  
22 expelled students fund is established to provide funds to school administrative units to  
23 provide educational services in an alternative setting for a student who has been expelled  
24 from school or who is at risk of becoming a truant or a dropout.

25           School administrative units may request disbursements from the funds established  
26 under this section to provide appropriate intervention programs and services. The  
27 commissioner's consultant on truancy, dropouts and alternative education under section  
28 5151 shall provide technical assistance to school administrative units requesting a  
29 disbursement from these funds.

30           **Sec. 22. 20-A MRSA §15676, sub-§2**, as amended by PL 2005, c. 2, Pt. D, §39  
31 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

32           **2. Other staff costs.** The salary and benefit costs for school-level staff who are not  
33 teachers, but including attendance coordinators under section 5052-A and substitute  
34 teachers, that are necessary to carry out this Act, calculated in accordance with section  
35 15679, adjusted by the regional adjustment under section 15682 and reduced by the  
36 amount of funds received by the school administrative unit during the most recent fiscal  
37 year under Title 1 of the federal Elementary and Secondary Act of 1965, 20 United States  
38 Code, Section 6301 et seq.; and

1           **Sec. 23. 20-A MRSA §15679, sub-§6**, as enacted by PL 2003, c. 504, Pt. A, §6,  
2 is amended to read:

3           **6. Total salary and benefit costs for staff.** The total salary and benefit costs for  
4 staff is equal to the sum of:

5           A. The estimated salary costs determined pursuant to subsection 4;

6           B. The amount, as determined by the commissioner, that equals the statewide  
7 percentage of estimated salary costs determined pursuant to subsection 4 that  
8 represents the statewide benefit costs; ~~and~~

9           C. The substitute teacher salary costs determined pursuant to subsection 5-; and

10          D. The attendance coordinator salary costs determined pursuant to subsection 7.

11          **Sec. 24. 20-A MRSA §15679, sub-§7** is enacted to read:

12          **7. Salary costs for attendance coordinators.** The commissioner shall calculate the  
13 additional salary costs for attendance coordinators under section 5052-A for each school  
14 administrative unit using the pupil count arrived at under section 15674, subsection 1,  
15 paragraph C. In order to calculate this amount, the commissioner shall establish a  
16 per-pupil rate for the cost of an attendance coordinator for half a day.

17          **Sec. 25. 22 MRSA §4002, sub-§1**, as amended by PL 2007, c. 304, §10, is  
18 further amended to read:

19          **1. Abuse or neglect.** "Abuse or neglect" means a threat to a child's health or welfare  
20 by physical, mental or emotional injury or impairment, sexual abuse or exploitation,  
21 deprivation of essential needs or lack of protection from these or failure to ensure  
22 compliance with school attendance requirements under Title 20-A, section 3272,  
23 subsection 2, paragraph B or section 5051-A, subsection 1, ~~paragraph C~~, by a person  
24 responsible for the child.

25          **Sec. 26. 26 MRSA §775, sub-§2, ¶A**, as enacted by PL 1991, c. 544, §5, is  
26 amended to read:

27          A. If the school is in session or the minor is attending summer school, the minor  
28 must be enrolled in school, not ~~habitually~~ truant, not under suspension and passing a  
29 majority of courses during the current grading period. Upon request of the minor, the  
30 superintendent may waive the requirements for one grading period if, in the opinion  
31 of the superintendent, there are extenuating circumstances or if imposing the  
32 requirements would create an undue hardship for the minor;

33          **Sec. 27. 30-A MRSA §451, sub-§9, ¶A**, as enacted by PL 1987, c. 737, Pt. A, §2  
34 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
35 further amended to read:

36          A. Is ~~habitually~~ truant;

37          **Sec. 28. Maine Revised Statutes headnote amended; revision clause.** In  
38 the Maine Revised Statutes, Title 20-A, chapter 211, subchapter 2, in the subchapter

1 headnote, the words "habitual truants" are amended to read "truants" and the Revisor of  
2 Statutes shall implement this revision when updating, publishing or republishing the  
3 statutes.

4 **Sec. 29. Appropriations and allocations.** The following appropriations and  
5 allocations are made.

6 **EDUCATION, DEPARTMENT OF**

7 **Mental Health and Substance Abuse Services**

8 Initiative: Provides funds for school administrative units to provide mental health and  
9 substance abuse services for students struggling with mental health and substance abuse  
10 issues.

11			
12	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
13	All Other	\$500,000	\$500,000
14			
15	GENERAL FUND TOTAL	<u>\$500,000</u>	<u>\$500,000</u>

16 **Educational Services for Expelled Students**

17 Initiative: Provides funds to school administrative units to provide educational services  
18 for students expelled from school.

19			
20	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
21	All Other	\$100,000	\$100,000
22			
23	GENERAL FUND TOTAL	<u>\$100,000</u>	<u>\$100,000</u>

24

25 **EDUCATION, DEPARTMENT OF**

26 **DEPARTMENT TOTALS**

27	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
28		\$600,000	\$600,000
29	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$600,000</u>	<u>\$600,000</u>

30 **SUMMARY**

31 This bill implements the recommendations of the stakeholder group established by  
32 the Commissioner of Education pursuant to Public Law 2009, chapter 626. The charge  
33 provided to the stakeholder group was to develop methodologies and recommendations  
34 relating to increasing high school graduation rates and to address other policy issues  
35 pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the  
36 State. The bill accomplishes the following.

37 1. It requires the Department of Education to obtain more accurate and complete data  
38 in calculating high school graduation rates. In addition to calculating the 4-year adjusted

1 cohort graduation rate required by the Federal Government, the department is required to  
2 collect and record graduation rates for a 5-year cohort and a 6-year cohort and also use  
3 other descriptors of academic success for school-age students on a statewide aggregate  
4 basis, including the Department of Education diploma, high school equivalency diploma  
5 obtained through adult education and the general equivalency diploma.

6 2. It changes the law regarding compulsory school age by reducing the age when a  
7 child must start school from 7 to 6 years of age and by increasing the age threshold under  
8 which a child who has not attained high school graduation or equivalency is expected to  
9 attend secondary school from 17 to 20 years of age. The bill also amends the exceptions  
10 to the compulsory school age requirements.

11 3. It amends the truancy laws by striking all references to "habitual" truancy. It  
12 changes the provisions for determining truancy and removes the requirement that local  
13 law enforcement be notified of a truant student. It describes response to intervention  
14 teams for schools and their duties, including assessing situations of student truancy and  
15 developing and helping implement intervention plans for truant students.

16 4. It clarifies provisions pertaining to the qualifications and role of school attendance  
17 coordinators and requires superintendents to appoint attendance coordinators. In current  
18 law, school attendance coordinators are elected. It establishes that the salary costs of  
19 attendance coordinators are eligible for state subsidy under the Essential Programs and  
20 Services Funding Act.

21 5. It directs school boards to review policies and procedures established for the code  
22 of conduct and school discipline, including provisions that encourage school boards to  
23 focus the code of conduct on positive intervention and expectations rather than  
24 unacceptable student behavior and to focus school disciplinary policies on  
25 evidence-based positive and restorative interventions rather than set punishments for  
26 specific behavior. The bill also requires that schools provide notice to parents or legal  
27 guardians of a student's suspension regardless of whether it is an in-school or  
28 out-of-school suspension and discourages the use of zero-tolerance practices in school  
29 discipline.

30 6. It establishes due process standards for school expulsion proceedings to inform  
31 students and their parents or legal guardians of the procedural steps involved in and of  
32 their legal rights prior to, during and following the due process hearing and provide an  
33 explanation of the consequences of expulsion.

34 7. It amends the laws regarding school expulsion to require that all students who  
35 have been expelled from school must be provided with a written reentry plan, developed  
36 by the superintendent in consultation with the student and the student's parents or legal  
37 guardian, that provides guidance to the expelled student regarding what the student must  
38 do to establish satisfactory evidence that the behavior that resulted in the expulsion will  
39 not likely recur.

40 8. It further amends the laws regarding school expulsion to authorize school boards  
41 to provide educational services to an expelled student in an alternative setting.



1           9. The bill also provides for an ongoing appropriation of funds to the Department of  
2 Education to disburse to school administrative units that request funding for providing  
3 appropriate interventions to students who are at risk of becoming truants or dropouts due  
4 to an expulsion from school or who struggle with mental health and substance abuse  
5 issues.