

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1231

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H.P. 871

House of Representatives, March 26, 2013

### An Act To Amend the Compulsory School Attendance Laws

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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 POULIOT of Augusta.  
Cosponsored by Senator CAIN of Penobscot and  
Representatives: DAUGHTRY of Brunswick, JOHNSON of Greenville, MAKER of Calais,  
McCLELLAN of Raymond, Senator: CUSHING of Penobscot.

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

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

4 **1. Requirement.** Persons 7 years of age or older and under ~~17~~ 18 years shall attend  
5 a public day school during the time it is in regular session. A person who enrolls in a  
6 school administrative unit in accordance with section 5201, subsection 2, paragraph B  
7 before the person is 7 years of age is required to remain in attendance at a public day  
8 school or at an alternative to attendance at a public day school in accordance with  
9 subsection 3.

10 **Sec. 2. Commissioner of Education guidance to school officials on the**  
11 **enforcement of compulsory school attendance laws.** The Commissioner of  
12 Education shall communicate with school boards of school administrative units,  
13 superintendents, principals and other school officials to clarify the law regarding their  
14 legal obligations to enforce the compulsory school attendance laws that require children  
15 to be enrolled from 7 years of age to 18 years of age in a public school or an equivalent  
16 instruction alternative pursuant to the Maine Revised Statutes, Title 20-A, chapter 211,  
17 subchapter 1 and related education statutes. The enforcement guidance provided under  
18 this section must clarify that once a child who is under 7 years of age enrolls in school in  
19 accordance with Title 20-A, section 5201, subsection 2, paragraph B, the child is required  
20 to remain in attendance at a public day school or at an alternative to attendance at a public  
21 day school in accordance with Title 20-A, section 5001-A.

22 **Sec. 3. Commissioner of Education guidance to school officials on the**  
23 **enforcement of laws related to student eligibility for certain federal and state**  
24 **welfare programs.** The Commissioner of Education shall communicate with school  
25 boards of school administrative units, superintendents, principals and other school  
26 officials to clarify the law with regard to their obligations to document and maintain  
27 student enrollment, attendance and graduation information related to student eligibility  
28 for certain federal and state welfare benefits and student eligibility for supplemental  
29 security income for children with disabilities. The Commissioner of Education shall  
30 distribute a letter to the school officials listed above that provides nonregulatory guidance  
31 that clarifies the federal and state requirements for certifying school enrollment,  
32 attendance and graduation information provided by students who are seeking certain  
33 federal and state welfare benefits, including benefits under supplemental security income  
34 for children who are students.

35 **SUMMARY**

36 This bill amends the laws related to compulsory school attendance in order to  
37 improve the enforcement of federal and state requirements pertaining to compulsory  
38 school attendance in the State. The bill:

- 39 1. Changes the law regarding compulsory school age by:

1           A. Providing that a child who enrolls in a public day school before the child is 7  
2 years of age is required to remain in attendance at a public day school or at an  
3 equivalent instruction alternative to attendance at a public day school in accordance  
4 with the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3; and

5           B. Changing the age when a child may stop attending school from 17 to 18 years of  
6 age;

7           2. Directs the Commissioner of Education to provide guidance to school boards,  
8 superintendents, principals and other school officials pertaining to the enforcement of the  
9 compulsory school attendance laws that require children to be enrolled from 7 years of  
10 age to 18 years of age in a public school or an equivalent instruction alternative. The  
11 enforcement guidance provided must clarify that a child who enrolls in a school  
12 administrative unit before the child is 7 years of age as allowed under Title 20-A, section  
13 5201, subsection 2, paragraph B is required to remain in attendance at a public school or  
14 at an equivalent instruction alternative in accordance with Title 20-A, section 5001-A;  
15 and

16           3. Directs the Commissioner of Education to provide guidance to school boards,  
17 superintendents, principals and other school officials regarding enforcement of federal  
18 and state laws related to student eligibility for certain federal and state welfare benefits  
19 and supplemental security income for children with disabilities.