

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 96

S.P. 44

In Senate, January 17, 2017

### An Act To Improve Attendance at Public Elementary Schools

---

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Representative STEARNS of Guilford and  
Senators: LANGLEY of Hancock, MAKER of Washington, MILLETT of Cumberland,  
Representatives: HANDY of Lewiston, PIERCE of Falmouth.

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

2 **Sec. 1. 20-A MRS §5001-A, sub-§1-A** is enacted to read:

3 **1-A. Attendance of persons 5 years of age or older and under 7 years of age. A**  
4 **person 5 years of age or older and under 7 years of age who is enrolled in public day**  
5 **school is required to attend that school during the time it is in session except as provided**  
6 **in paragraphs A and B.**

7 **A. At any time during the 45 days after the date of enrollment in public day school, a**  
8 **person 5 years of age or older and under 7 years of age may withdraw from the**  
9 **school.**

10 **B. If more than 45 days have elapsed after the date of enrollment in public day**  
11 **school, a person 5 years of age or older and under 7 years of age may withdraw from**  
12 **the school after consultation with the school board or the school board's designee.**

13 **Sec. 2. 20-A MRS §5001-A, sub-§3,** as amended by PL 2007, c. 111, §1, is  
14 further amended to read:

15 **3. Alternatives to attendance at public day school.** Alternatives to attendance at  
16 public day school are as follows. **A person 5 years of age or older and under 7 years of**  
17 **age is not required to meet the requirements of this subsection.**

18 A. Equivalent instruction alternatives are as follows.

19 (1) A person is excused from attending a public day school if the person obtains  
20 equivalent instruction in:

21 (a) A private school approved for attendance purposes pursuant to section  
22 2901;

23 (b) A private school recognized by the department as providing equivalent  
24 instruction;

25 (c-1) A home instruction program that complies with the requirements of  
26 subparagraph (4); or

27 (d) Any other manner arranged for by the school board and approved by the  
28 commissioner.

29 (2) A student is credited with attendance at a private school only if a certificate  
30 showing the name, residence and attendance of the person at the school, signed  
31 by the person or persons in charge of the school, has been filed with the school  
32 officials of the administrative unit in which the student resides.

33 (4) The following provisions govern a home instruction program.

34 (a) The student's parent or guardian shall provide a written notice of intent to  
35 provide home instruction simultaneously to the school officials of the  
36 administrative unit in which the student resides and to the commissioner  
37 within 10 calendar days of the beginning of home instruction. The notice  
38 must contain the following information:

- 1 (i) The name, signature and address of the student's parent or guardian;
- 2 (ii) The name and age of the student;
- 3 (iii) The date the home instruction program will begin;
- 4 (iv) A statement of assurance that indicates the home instruction
- 5 program will provide at least 175 days annually of instruction and will
- 6 provide instruction in the following subject areas: English and language
- 7 arts, math, science, social studies, physical education, health education,
- 8 library skills, fine arts and, in at least one grade from grade 6 to 12,
- 9 Maine studies. At one grade level from grade 7 to 12, the student will
- 10 demonstrate proficiency in the use of computers; and
- 11 (v) A statement of assurance that indicates that the home instruction
- 12 program will include an annual assessment of the student's academic
- 13 progress that includes at least one of the forms of assessment described in
- 14 division (b).
- 15 (b) On or before September 1st of each subsequent year of home instruction,
- 16 the student's parent or guardian shall file a letter with the school officials of
- 17 the administrative unit in which the student resides and the commissioner
- 18 stating the intention to continue providing home instruction and enclose a
- 19 copy of one of the following forms of annual assessment of the student's
- 20 academic progress:
  - 21 (i) A standardized achievement test administered through the
  - 22 administrative unit in which the student resides or through other
  - 23 arrangements approved by the commissioner. If the test is administered
  - 24 through the administrative unit in which the student resides, that
  - 25 administration must be agreed to by the school officials of the
  - 26 administrative unit prior to submission of the written notice of intent to
  - 27 provide home instruction;
  - 28 (ii) A test developed by the school officials of the administrative unit in
  - 29 which the student resides appropriate to the student's home instruction
  - 30 program, which must be agreed to by the school officials of the
  - 31 administrative unit prior to submission of the written notice of intent to
  - 32 provide home instruction;
  - 33 (iii) A review and acceptance of the student's progress by an identified
  - 34 individual who holds a current Maine teacher's certificate;
  - 35 (iv) A review and acceptance of the student's progress based on, but not
  - 36 limited to, a presentation of an educational portfolio of the student to a
  - 37 local area homeschooling support group whose membership for this
  - 38 purpose includes a currently certified Maine teacher or administrator; or
  - 39 (v) A review and acceptance of the student's progress by a local advisory
  - 40 board selected by the superintendent of the administrative unit in which
  - 41 the student resides that includes one administrative unit employee and 2
  - 42 home instruction tutors. For the purpose of this subdivision, a "home
  - 43 instruction tutor" means the parent, guardian or other person who acts or

1 will act as a primary teacher of the student in the home instruction  
2 program. This provision must be agreed to by the school officials of the  
3 administrative unit in which the student resides prior to submission of the  
4 written notice of intent to provide home instruction.

5 (c) Dissemination of any information filed under this subparagraph is  
6 governed by the provisions of section 6001; the federal Family Educational  
7 Rights and Privacy Act of 1974, 20 United States Code, Section 1232g  
8 (2002); and the federal Education for All Handicapped Children Act of 1975,  
9 20 United States Code, Sections 1401 to 1487 (2002), except that "directory  
10 information," as defined by the federal Family Educational Rights and  
11 Privacy Act of 1974, is confidential and is not subject to public disclosure  
12 unless the parent or guardian specifically permits disclosure in writing or a  
13 judge orders otherwise. Copies of the information filed under this  
14 subparagraph must be maintained by the student's parent or guardian until the  
15 home instruction program concludes. The records must be made available to  
16 the commissioner upon request.

17 (d) If the home instruction program is discontinued, students of compulsory  
18 school age must be enrolled in a public school or an equivalent instruction  
19 alternative as provided for in this paragraph. The receiving school shall  
20 determine the placement of the student. At the secondary level, the principal  
21 of the receiving school shall determine the value of the prior educational  
22 experience toward meeting the standards of the system of learning results as  
23 established in section 6209.

24 B. A person may be excused from attendance at a public day school pursuant to  
25 section 5104-A or section 8605.

26 **Sec. 3. 20-A MRSA §5051-A, sub-§1, ¶B**, as amended by PL 2007, c. 304, §5,  
27 is further amended to read:

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

30 **Sec. 4. 20-A MRSA §5051-A, sub-§1, ¶C**, as enacted by PL 2007, c. 304, §5, is  
31 amended to read:

32 C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of  
33 7 full days of unexcused absences or 5 consecutive school days of unexcused  
34 absences during a school year; ~~or~~

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

36 D. Is enrolled in a public day school, is at least 5 years of age and has not completed  
37 grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive  
38 school days of unexcused absences during a school year.

1

**SUMMARY**

2           This bill provides that a person 5 years of age or older who is enrolled in public day  
3 school is required to attend during the time it is in regular session. The bill provides that  
4 a person 5 years of age or older and under 7 years of age may withdraw from school at  
5 any time within the 45 days after enrollment and may withdraw from school after 45 days  
6 after enrollment after consultation with the school board or its designee. The bill  
7 provides that students who are at least 5 years of age and enrolled in a public day school  
8 are subject to the same provisions regarding truancy as students who are at least 7 years  
9 of age and have not completed grade 6 who are required to attend a public day school.  
10 The bill provides that a person 5 years of age or older and under 7 years of age is not  
11 required to meet the alternatives to attendance requirements set forth in the Maine  
12 Revised Statutes, Title 20-A, section 5001-A, subsection 3.