

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1234

H.P. 857

House of Representatives, March 30, 2017

**An Act To Amend Maine's Truancy Laws by Specifying Penalties
for Noncompliance**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GERRISH of Lebanon.
Cosponsored by Senator MAKER of Washington and
Representatives: HIGGINS of Dover-Foxcroft, O'CONNOR of Berwick, SAMPSON of
Alfred, STEARNS of Guilford, STEWART of Presque Isle.

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

2 **Sec. 1. 20-A MRSA §1055, sub-§12**, as amended by PL 2003, c. 205, §7, is
3 further amended to read:

4 **12. Reintegration team.** Within 10 days after receiving information from the
5 Department of Corrections pursuant to Title 15, section 3009, the superintendent shall
6 convene a reintegration team to carry out reintegration planning pursuant to section 254,
7 subsection 12. The reintegration team must consist of the administrator of the school or
8 the administrator's designee; at least one classroom teacher to whom the student will be
9 assigned or who is involved in the school's ~~student assistance~~ intervention team; a parent,
10 guardian or custodian of the student; and a guidance counselor. The reintegration team is
11 entitled to receive the information described in Title 15, section 3308, subsection 7,
12 paragraph B-1, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F.
13 The reintegration team shall also determine, on the basis of need, which school
14 employees may receive that information.

15 Confidentiality of the criminal justice information regarding juveniles must be ensured at
16 all times and the information may be released by a member of the reintegration team only
17 under the conditions of this subsection. The superintendent shall ensure that
18 confidentiality training is provided to all school employees who have access to the
19 information.

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

22 **1. Requirement.** Persons ~~7~~ 6 years of age or older and under ~~17~~ 18 years shall
23 attend a public day school during the time it is in regular session.

24 **Sec. 3. 20-A MRSA §5001-A, sub-§2, ¶B**, as amended by PL 2009, c. 330, §1,
25 is further amended to read:

26 B. A person who has:

- 27 (1) Reached the age of ~~15~~ 17 years or completed the ~~9th~~ 11th grade;
- 28 (2) Permission to leave school from that person's parent;
- 29 (3) Been approved by the principal for a suitable program of work and study or
30 training;
- 31 (4) Permission to leave school from the school board or its designee; and
- 32 (5) Agreed in writing with that person's parent and the school board or its
33 designee to meet annually until that person's ~~17th~~ 18th birthday to review that
34 person's educational needs. When the request to be excused from school has been
35 denied pursuant to this paragraph, the student's parent may appeal to the
36 commissioner;

37 **Sec. 4. 20-A MRSA §5001-A, sub-§5**, as amended by PL 1989, c. 415, §15, is
38 further amended to read:

1 **5. Adult responsibility.** An adult having a person of compulsory school age under
2 that adult's control shall cause the person to attend school as provided in this section and
3 is subject to the truancy penalties under section 5053-A for noncompliance.

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

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 6 unexcused absences by the 60th day of the school year; or

9 **Sec. 6. 20-A MRS §5051-A, sub-§2, ¶A-2,** as enacted by PL 2011, c. 614,
10 §13, is amended to read:

11 A-2. A student who is determined truant under subsection 1 must be referred to the
12 school's ~~student assistance intervention team or the school personnel designated by~~
13 ~~the superintendent~~ in accordance with the school administrative unit's intervention
14 system under section 4710 to determine the cause of the truancy and assess the effect
15 of the student's absences, as well as any future absences for the student. If it is
16 determined that a negative effect exists, the ~~student assistance intervention team or~~
17 ~~the school personnel designated by the superintendent~~ in accordance with the school
18 administrative unit's intervention system under section 4710 shall develop an
19 intervention plan to address the student's absences and the negative effect of these
20 absences. An intervention plan may include, but is not limited to:

- 21 (1) Frequent communication between the teacher and the family;
- 22 (2) Changes in the learning environment, including placement to different
23 classes or multiple pathways as described under section 4703;
- 24 (3) Mentoring;
- 25 (4) Student counseling;
- 26 (5) Tutoring, including peer tutoring;
- 27 (6) ~~Placement into different classes~~ Peer mediation with guidance counselors;
- 28 (7) ~~Consideration of multiple pathways as described under section 4703;~~
- 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 intervention team or,~~ dropout
33 prevention committee or local law enforcement officer acting as a school
34 resource officer.

35 Failure of the student or the student's parents to appear at scheduled meetings does
36 not preclude the school administrators from implementing an intervention plan to
37 address the student's truancy.

38 **Sec. 7. 20-A MRS §5051-A, sub-§2, ¶B-1,** as enacted by PL 2011, c. 614,
39 §13, is amended to read:

1 B-1. The superintendent shall develop procedures to refer a student who is truant to
2 the ~~student assistance~~ intervention team ~~or the school personnel designated by the~~
3 ~~superintendent~~ in accordance with the school administrative unit's intervention
4 system under section 4710 in accordance with this section. These procedures may
5 include, but are not limited to:

6 (1) Identifying school personnel responsible for notifying the ~~student assistance~~
7 intervention team ~~or the school personnel designated by the superintendent~~ in
8 accordance with the school administrative unit's intervention system when a
9 student is truant;

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

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

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

16 (5) A plan for reporting of the results of the intervention plan developed pursuant
17 to paragraph A-2.

18 **Sec. 8. 20-A MRSA §5051-A, sub-§2, ¶F**, as amended by PL 2011, c. 614, §13,
19 is further amended to read:

20 F. When a student is determined to be truant and in violation of section 5001-A and
21 the ~~student assistance~~ intervention team ~~or the school personnel designated by the~~
22 ~~superintendent~~ in accordance with the school administrative unit's intervention
23 system under section 4710 and the superintendent have made a good faith attempt to
24 meet the requirements of paragraph B-1, the superintendent shall notify the school
25 board, the local law enforcement agency and, if the student holds a driver's license,
26 the Secretary of State of the student's truancy. The student is subject to the penalties
27 under section 5053-A, subsection 8.

28 **Sec. 9. 20-A MRSA §5051-A, sub-§3**, as amended by PL 2011, c. 614, §13, is
29 further amended to read:

30 **3. Reports.** This subsection applies to reports of truancy.

31 A. A superintendent shall submit an annual report to the commissioner before
32 ~~October 1st~~ January 7th. The report must:

33 (1) Identify the number of truants in the school administrative unit in the
34 ~~preceding~~ current school year;

35 (2) Describe the unit's efforts to deal with truancy;

36 (3) Account for actions brought under this section including the number of
37 truants reported to the ~~student assistance~~ intervention team ~~or the school~~
38 ~~personnel designated by the superintendent~~ in accordance with the school
39 administrative unit's intervention system under section 4710; and

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

1 B. The commissioner shall submit an annual report to the Governor and the
2 Legislature before ~~January 15th~~ June 30th. The report must aggregate the
3 information provided by superintendents under paragraph A and must evaluate the
4 effect of state laws on the incidence of truancy.

5 **Sec. 10. 20-A MRSA §5053-A, sub-§1**, as amended by PL 2011, c. 614, §15, is
6 further amended to read:

7 **1. Civil violation.** If a parent has control of a student who is truant under section
8 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent
9 commits a civil violation for which a fine of not more than \$250 may be adjudged, all or
10 part of which may be suspended upon the parent's compliance with a court order under
11 subsection 2.

12 A parent who commits a civil violation under this subsection after having previously
13 committed a civil violation under this subsection commits a civil violation for which a
14 fine of not more than \$500 may be adjudged, none of which may be suspended. The
15 superintendent may inform the Department of Health and Human Services that the
16 student is a victim of abuse or neglect under Title 22, chapter 1071 based on the parent's
17 failure to ensure compliance with school attendance requirements.

18 **Sec. 11. 20-A MRSA §5053-A, sub-§4**, as amended by PL 2011, c. 614, §17, is
19 further amended to read:

20 **4. Prima facie proof.** Evidence that shows that the parent received the notice under
21 section 5051-A, subsection 2 and that the child has accumulated ~~10 cumulative full days~~
22 ~~of absences or 5~~ 7 consecutive school days of unexcused absences during a school year or
23 6 unexcused absences by the 60th day of the school year that are not justified under the
24 established attendance policies of the school administrative unit is prima facie proof that
25 the parent is primarily responsible for the child's truancy or the parent failed to take
26 corrective measures for the child's truancy.

27 **Sec. 12. 20-A MRSA §5053-A, sub-§8** is enacted to read:

28 **8. Student penalties.** Notwithstanding subsection 1, when a student is truant under
29 section 5051-A and the local law enforcement agency is notified under section 5051-A,
30 subsection 2, paragraph F, the student commits a civil violation for which a fine of not
31 more than \$100 may be adjudged.

32 The Secretary of State may suspend the driver's license of a student holding a driver's
33 license who violates this subsection for a period not to exceed 6 months.

34 **Sec. 13. 20-A MRSA §8605, sub-§1, ¶A**, as amended by PL 1991, c. 518, §37,
35 is further amended to read:

36 A. A person who is not yet ~~17~~ 18 years of age who has withdrawn from school under
37 the provisions of section 5001-A, subsection 2, paragraph B;

38 **Sec. 14. 20-A MRSA §8605, sub-§1, ¶A-1**, as enacted by PL 1991, c. 518, §37,
39 is amended to read:

1 A-1. A person who is ~~17~~ 18 years of age or older and who is not attending a public
2 school; or

3 **SUMMARY**

4 This bill changes the age range for compulsory school attendance from 7 years of age
5 to under 17 years of age to 6 years of age to under 18 years of age and changes the
6 number of absences required for a student to be considered truant. It establishes a fine for
7 parents adjudged for repeated violations of the truancy laws and allows the
8 superintendent to inform the Department of Health and Human Services that the student
9 is a victim of abuse or neglect based on the parent's failure to ensure compliance with
10 school attendance requirements. It also establishes a fine and possible driver's license
11 suspension for truant students.