

# MAINE STATE LEGISLATURE

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**Title:** MAINE DEPARTMENT OF EDUCATION ANNUAL TRUANCY AND DROPOUT REPORT, 20 MRSA Section 5051-A(3)(B)

Prepared for the Joint Standing Committee on Education and Cultural Affairs

**Date:** January 15, 2020

**Source of Report:** 20-A §5051-A, sub-§3, par. P.L. 2011, c. 614, sec. 13

**Background:** The truancy, dropout, and alternative education (TDAE) program was established in 1986 by the 112th Legislature. The program, now located within the Maine Department of Education’s Office of School and Student Supports (Maine DOE/OSSS), employs one consultant who provides technical assistance to local administrative units and individual schools, with the overall goal of creating student support and intervention systems that increase school success and diploma attainment. The OSSS Management Analyst assists the consultant with data review and analysis. The TDAE consultant maintains regular communication with the Department of Health and Human Services Office of Child and Family Services to address truancy issues at the intersection of education and child protection policy.

Maine’s Education and School Statutes, Title 20-A Subchapter 2, defines truancy and provides a set of notification, referral, intervention, and reporting procedures for incidents of truancy. §5051-A (3) requires Superintendents to submit annual reports identifying the number of truant students in their units and the unit’s actions to address truancy under the statute. Through the consultant’s office, the department is charged with aggregating and summarizing this information to evaluate the impact of state laws on the incidence of truancy in Maine.

**Data Collection:** School administrative units collect and maintain attendance and truancy information throughout the year in local information systems and report detailed, student-level truancy data to the Maine DOE on a quarterly basis.

The Maine DOE truancy reporting module has, for the past two years, juxtaposed schools’ truancy records with their reports of unexcused absences, prompting schools to reconcile instances where attendance data indicates that a student is truant, but no record of intervention has been provided.

**Definition of Truancy.** For 2018-19, Under Title 20-A, §5051-A, a student is truant if the student has completed grade 6 and has the equivalent of 10 full days of unexcused absences or seven consecutive days of unexcused absences during a school year; or is at least seven years of age, has not completed grade 6, and has the equivalent of seven full days of unexcused absences or 5 consecutive days of unexcused absences during a school year.

The 129th Legislature amended school attendance and truancy statutes to make attendance compulsory for all six-year-old children and for five-year-old children who are enrolled by their parents. These five and six-year-old children are also covered by the truancy statute beginning September 2019, but not for the 2018-19 school year, which is the focus of this report.

**Statutory Responses to Truancy.** Title 20-A, Sections 5051-A, 5053-A, and 5054 direct school administrative units, courts, and employers to address student truancy according to the following process:

- Superintendent notification
- Student assistance team intervention planning according to district procedures
- Official parental notice of consequences when interventions are unsuccessful. These consequences include referral to law enforcement for adjudication and referral to the Dept. of Health and Human Services for educational neglect.
- Notification of school board
- Parent meeting with superintendent or designee
- Referral to local law enforcement
- District Court adjudication, which may include a parental fine of up to \$250.

In addition, Title 20-A Section 5054 prevents any employer from hiring or otherwise engaging a truant student without the Superintendent's release, with fines or forfeitures ranging from \$250 to \$10,000 depending on the number of violations.

Statute clearly and appropriately places primary responsibility for enforcing school attendance on parents, provides additional enforcement mechanisms in the workplace domain, and directs schools, first and foremost, to utilize positive, student-centered interventions to remedy the root causes of the student's truancy.

**2018-19 Incidence of Truancy.** Following the change in reporting instituted in 2017-18, the Maine DOE must report the number of truant students rather than the number of "truancy events" that were provided previously. In response to the change in reporting practices, school administrative units understand and implement the statutory intent to address truancy from a student and family centered perspective. SAUs intensify interventions over the course of the year, if initial strategies do not lead to improved attendance.

SAUs reported a total of 8,076 truant students in 2018-19, although attendance data indicates that an additional 2,497 students exceeded the threshold of unexcused absences that should have triggered the opening of a truancy case. Using the inclusive total of 10,573 students, Maine's 2018-19 truancy rate was 5.79 percent.

Overall, it appears that the Department's persistent technical assistance in this area over the past few years has made a positive impact, with increased responsiveness and intervention leading to a promising initial decline in the overall truancy rate.

Finally, as a note of comparison, the 2018-19 rate of chronic absenteeism for Maine students was 16.46 percent. Chronic absenteeism includes excused and unexcused absences and is defined as missing more than 10% of school days. For students enrolled for a full year, that equates to 18 or more total absences, a much higher threshold than any of the four truancy definitions. From the perspective of minimizing the impact of absenteeism on student achievement, it seems likely that an approach to attendance with the broader goal of reducing all absences (not just the unexcused absences that contribute to truancy) is critical.

**Statutory Notes.** Maine's Child and Family Services and Child Protection Act, Title 22 §4002, defines child abuse and neglect to include the failure to assure compliance with school attendance requirements, but restricts the association between abuse/neglect and truancy to children from age six to the time that they complete the 6<sup>th</sup> grade. Practically, this has meant that schools cannot call upon the support of DHHS when the parents of middle and high school aged students do not ensure their children's attendance. There are obvious reasons for concern that the truancy of older students may also indicate that these children are at-risk; not only for failure to progress academically, but as a signal that the child is in an unsafe situation overall. School personnel take their responsibilities as mandated reporters seriously, and the Department advises schools to make protective service reports about older students whenever they have cause for concern. For students who attend irregularly, the poor attendance/truancy itself may be the only warning sign that something is amiss. Currently, the difference between child protection and educational statute means that a report based on truancy alone cannot be investigated if the child in question has completed 6<sup>th</sup> grade. The committee may wish to revisit the definitional link between truancy and abuse/neglect both to provide comparable protection for children in grade 7 or above. It is also not clear whether enrolled 5-year-old who are now also subject to compulsory attendance and truancy laws should also be covered by mandatory reporting laws when they are truant.

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