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Title: Department of Education Annual Truancy Report, 20
MRSA Section 5051-A(3)(B)

Prepared for the Joint Standing Committee on Education and Cultural Affairs

Date: February 6, 2023

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

Background:

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 truants 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. Additionally, beginning in 2018, the federal “Every Student Succeeds Act” (ESSA) requires states to report Chronic Absenteeism.

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.

Data Collection:

School administrative units (SAUs) 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.

Definitions

Truancy

For 2019-20, 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 7 consecutive school days of unexcused absences during a school year; or is at least 6 years of age and 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. Five and six-year-old children are considered truant if they accrue 5 consecutive or 7 cumulative unexcused absences. Truancy incidents for five and six-year-olds should be reported and responded to using the process outlined in 20- A MRSA Section 5051-A(2). These five and six-year-old children are covered by the truancy statute beginning September 2019.

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 barriers of the student's truancy.

2020-21 Incidence of Truancy

Over the 2021-22 school year, SAUs reported a total of 12,126 truant students or 6.5%. While this rate is 2.91% less than the previous 2020-21 year rate of 9.41%, it remains a 2.2% increase over the pre-covid, 2017-18 rate of 4.08%

When comparing this data to previous years truancy percentages, we find that while there has been a decrease in reported trancies since the previous year, complicating factors surrounding the data sets should be considered when attempting to interpret this change. Both the 2019-20 and 2020-21 data sets include time periods that have been uniquely affected by the novel Corona virus and its impact on schools, students, families and communities.

For the current reporting year, 2021-22, SAUs across the state worked to provide students with educational opportunities including in-person, hybrid and remote learning, while contending with continued impacts of the COVID-19 pandemic. Districts employed resources to managing impacts related to the virus, including student and staff quarantines, outbreak closures, remote learning, work force shortages as well as mental and physical health and socio-economic impacts on staff, students and families. While research on disaster response establishes that there is an expected impact on school attendance during a crisis, the complex factors impacting the data reported during the pandemic may limit the scope of interpretation.

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