

TRUANCY

A student is habitually truant if he/she is required to attend school or alternative instruction under Maine compulsory attendance law (20-A M.R.S.A. § 5001-A) and he/she:

- A. 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
- B. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

The Board shall appoint one or more attendance coordinators in accordance with state law. The duties of the attendance coordinator include, but are not limited to:

- A. When notified by a principal that a student's attendance is irregular, interviewing the student and the parent(s) to determine the cause of the irregular attendance and file a written report with the principal. For the purpose of this policy, "parent(s)" means the student's parent(s) or legal guardian(s).
- B. Filing an annual report with the Superintendent summarizing school year activities, findings and recommendations regarding truants;
- C. Serving as a member of the dropout prevention committee; and
- D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under Maine's compulsory attendance and truancy laws (20-A M.R.S.A. § 5001-A, 5051-A).

As required by law, the following procedure shall be followed when a student is habitually truant:

- A. If the principal and the attendance coordinator determine that a student is habitually truant, the principal shall inform the Superintendent. The Superintendent/designee shall first try to correct the problem informally. Informal attempts to correct the problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and to develop a plan to implement solutions to the problem. If the initial meeting does not resolve the problem, the Superintendent/designee shall implement interventions that best address the problem including but not limited to:

1. Frequent communication between the teacher and the family;
2. Changes in the learning environment;
3. Mentoring;
4. Student counseling;
5. Tutoring, including peer tutoring;
6. Placement into different classes;
7. Evaluation for alternative education programs;
8. Attendance contracts;
9. Referral to other agencies for family services; and
10. Other interventions including but not limited to referral to the school attendance coordinator, student assistance team, or dropout prevention committee.

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

- B. As part of correcting the problem informally, the Superintendent/designee shall require the student and his/her parents to attend one or more meetings with the student's teacher or other school personnel designated by the Superintendent. The purpose of the meeting(s) is to reinforce the plan referenced in paragraph A or to develop an alternative plan. Such meetings may involve others including but not limited to case managers, therapeutic treatment providers, and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services, and the Department of Corrections. The Superintendent/designee shall schedule the meeting(s) at mutually convenient times.
- C. If the Superintendent/designee is unable to correct the student's truancy, the Superintendent/designee shall serve or cause to be served upon the parent in-hand or by registered mail a written notice that the student's attendance is required by law. The notice shall:
 1. State that the student is required to attend school pursuant to 20-A M.R.S.A. §5001-A (the compulsory attendance law);
 2. Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports, and principal's reports;
 3. Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with 20-A M.R.S.A. § 5053-A and explain the possible penalties. The penalties are

described in 20-A M.R.S.A. § 5053-A and include a minimum \$250.00 fine; the court may also order a parent to take specific action to ensure the student's attendance including compliance with the plan developed in accordance with paragraph A of this policy, participation in a parent-training class, attending school with the child, community service hours at the school, or participation in counseling or other services as appropriate. All or part of the fine may be suspended upon the parent's compliance with a court order;

4. State that the Superintendent/designee may notify local law enforcement authorities of a violation of the habitual truancy statute and the Department of Health and Human Services (DHHS) as provided by 20-A M.R.S.A. § 5051-A(C) (the notice provision); and

The definition of "child abuse and neglect" now includes "failure to ensure compliance with school attendance requirements (in regard to students from age 7 up to completion of sixth grade) under 20-A M.R.S.A. §3272 (2)(B) (the truancy law as applied to students in unorganized territories) or §5051-A(1)(C) (notice to parents of habitual truants under the attendance statute) by a person responsible for the child." Similarly, the definition of "jeopardy to health or welfare" or "jeopardy" has been expanded to mean "serious abuse or neglect as evidenced by . . . deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 years of age and has not completed grade 6." See 22-M.R.S.A. § 4002 for these definitions. The "mandatory reporting" statute is 22 M.R.S.A. § 4011-A.

5. Outline the plan developed to address the student's habitual truancy and the steps that have been taken to implement that plan.
- D. Prior to notifying local law enforcement authorities, the Superintendent/designee shall schedule at least one meeting as required by law and paragraph B of this policy and may invite a local prosecutor.
 - E. If after three school days after the service of the notice described in paragraph C of this policy the student remains truant and the parent and student refuse to attend the meeting referred to in paragraph D, the Superintendent/designee shall report the facts of the unlawful absence to local law enforcement authorities.
 - F. When a student is determined to be habitually truant and in violation of the compulsory attendance law and the Superintendent/designee has made a good faith attempt to meet the requirements of paragraph B of this policy, the Superintendent/designee shall notify the Board and local law enforcement authorities of the truancy. After this notification, a local law enforcement officer who sees the truant student may transport the student to the appropriate school if the truant student is off school grounds during school hours and not under the supervision of school personnel.

The Superintendent shall submit an annual report regarding habitual truancy to the Commissioner by October 1. The report must identify the number of habitual truants in the school administrative unit in the preceding school year; describe the school unit's efforts to deal with habitual truancy; account for actions brought to enforce the habitual truancy law; and include any other information on truancy requested by the Commissioner.

LEGAL REFERENCE: 20-A M.R.S.A. §§ 5001-A; 5051-A-5054

CROSS REFERENCE: JEA – Compulsory Attendance
JFC – Dropout Prevention Committee

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