



SCHOOL TRUANCY

Who Must Attend School?

In Maine, children between and including the ages of 7 and 16 must attend school. They are compulsory school age. This means a 16 year old cannot legally drop out. See 20-A MRSA 5001-A(1)

Are there any exceptions?

YES

1. Excused absences for illness, medical appointment, recognized religious holiday, family emergency, or approved planned absence
2. 15 year old student or student who has finished 9th grade, with parent, and approval from the school principal to participate in a work or study program, and school board approval. In addition, annual meetings must be held with parent and school board until student turns 17 years old.
3. Student enrolled in an alternative instruction program with approval from school principal (ie., special education, home schooling, private school, etc.)

See 20-A MRSA 5001-A

Who is a “Habitual Truant?”

Any student of compulsory school age (7-16 inclusive) with:

- a. 10 full days of unexcused absences or
- b. 7 consecutive school days of unexcused absences during one school year
- c. This means a 16 year old cannot drop out unless meets exception described in section above

See 20-A MRSA 5051-A

How must the school respond?

1. Schools should have an attendance coordinator*
2. If the principal & attendance coordinator find a student is habitually truant
 - a. Principal must inform superintendent
 - b. Superintendent must try to solve problem informally (meeting with student and/or student's parents to identify possible causes and develop a plan to implement solutions)
 - c. If initial meeting fails to resolve truancy, appropriate interventions must be implemented:
 - i. Frequent communication between teacher and family,
 - ii. Changes in learning environment
 - iii. Mentoring
 - iv. Student counseling
 - v. Tutoring (including peer tutoring)
 - vi. Placement in different classes
 - vii. Evaluation for alternative education program
 - viii. Attendance contracts
 - ix. Referral to other agencies for family services
 - x. Other interventions (referral to attendance coordinator, student assistance team, drop-out prevention committee).
 - d. Second meeting should be held to review plan and/or develop alternative plan. These meetings may be interdisciplinary and include representatives from DHHS, DOC, case managers, and/or therapeutic treatment providers.
 - e. If student is still truant, superintendent shall serve parent with written notice either in hand or by registered mail, that includes:
 - i. requirement student attend school,
 - ii. parent's rights to inspect attendance records, attendance coordinator's reports and principal's reports,
 - iii. explain possible civil violation, state local law enforcement can be contacted after one more meeting is scheduled, and
 - iv. outline plan and steps implemented in plan to correct the truancy.

See 20-A MRSA 5051-A(2)

What is an attendance coordinator?

This is someone who interviews the student and parents to determine the cause of truancy. Write a report about the student's truancy, including causes, to the principal. An attendance coordinator should be professionally certified or registered in mental health, social welfare or education. 20-A MRSA 5052-A

What about special education?

It is possible students are not attending school because they have a disability that is not yet identified (i.e., depression, school phobia, anxiety). An attendance coordinator can explore this. If a student misses 45 school days in a school year, that student is considered an "at risk" student under Maine Special Education Regulations. A referral to the PET should be made under the school's "childfind" obligation, and appropriate evaluations should be completed.

See Maine Special Education Regulation 7.7(D)

What is a parent/guardian required to do?

It is the adult a child of compulsory school age lives with who is responsible for having the student attend school. 20-A MRSA 5001-A(5) and 5053-A

Can a police officer bring a truant student to school?

A local law enforcement officer may transport a truant student to school if:

1. the student is off school grounds during school hours, and
2. is not under the supervision of school personnel (ie. not on a field trip)

20-A MRSA 5051-A(2)

When does the District Court get involved?

After the school has had a formal meeting (or tried to) with the student and/or parent(s), developed and implemented an alternative educational plan, and the student continues to be truant. The school district will serve the parent with a written notice.

What happens when the District Court gets involved?

It is not a crime, but a parent/guardian who has control of habitually truant student and has contributed to the truancy commits a civil violation with a minimum \$25 fine.

A parent is considered to have contributed to the truancy if:

1. The parent received written notice from the school, and
2. The student has 7 consecutive or 10 cumulative unexcused absences in one school year

In addition to a fine, parents may also be ordered to take action to ensure child attends school and comply with the plan developed by school; participate in parent training class, attend school with the child, perform community service at the school, attend counseling or participate in other appropriate services.

Defenses for parent:

1. parent has exercised reasonable diligence to get child to school, or
2. school failed to perform duties as required by law.

See 20-A MRSA 5053-A

Can a “habitually truant” student be employed?

No. One exception: superintendent submits a release allowing for such employment. 20-A MRSA 5054

What about dropout prevention?

Dropout defined: 1. student withdrawing for any reason OR
2. Student expelled and not enrolled in another program

Schools should have a dropout prevention committee.

Members: one school board member, a school administrator, a teacher and school counselor, parent, school attendance coordinator, high school student, dropout and community resident

Responsibilities: Study the problem (including reasons for why students dropout, school's disciplinary policies, and discriminatory practices and attitudes within school unit) and need for alternative education, make recommendations and submit plan of action to the school board

20-A MRSA 5102 *et. seq.*