

## Policy Executive Summary

January 3rd, 2022

The following updated policies will be presented for a First Reading.

### **Policy JEA Compulsory School Attendance - Update Policy**

Policy JEA was last updated on December 21, 1993. The updated policy reflects changes in Maine's Compulsory Attendance Law since our policy was last updated. The major changes include the lowering of the compulsory education to age 6 for all children and age 5 for children enrolled in school.

### **Policy JHB Truancy - New Policy**

Sanford School Department's truancy policy currently is found within Policy JED Student Attendance and Truancy which was last updated on May 2, 2005. Since 2005, Maine's truancy law has expanded the requirements of schools when a student is considered truant. These changes include the use of attendance coordinators, student assistance/attendance teams and interventions. The complexity and importance of these changes warrants a standalone truancy policy.

The new policy reflects current law including changes made to the Child and Family Services and Child Protection Act this fall. The Act clarified that truancy by a child who is at least 5 years of age and under age 6 who is voluntarily enrolled in school must be reported to DHHS as neglect by a person responsible for the child.

### **Policy JEG Exclusions and Exemptions from School Attendance – Delete Policy**

Policy JEG was last updated on December 21, 1993. Information contained in Policy JEG Exclusions and Exemptions from School Attendance is included in Policy JEA Compulsory School Attendance and Policy JLCB Immunization of Students making Policy JEG unnecessary.

### **Policy IHBGA Home Schooling - Update Policy**

Policy IHBGA was last updated on March 1, 1993. The updated policy reflects the most current home school law in Maine.

## **Recommendation**

**Policy JEA:** To accept the first reading of updated Policy JEA

**Policy JHB:** To accept the first reading of updated Policy JHB

**Policy JEG:** To eliminate policy JEG

**Policy IHBGA:** To accept the first reading of updated Policy IHBA

## COMPULSORY ATTENDANCE

Under state law, full-time school attendance is required of all children from their 6th to their 17th birthday except:

- A. A person who graduates from high school before their 17th birthday;
- B. A person who has:
  - 1. Reached the age of 15 years or completed the 9th grade;
  - 2. Permission to leave school from that person's parent;
  - 3. Been approved by the principal for a suitable program of work and study or training;
  - 4. Permission to leave school from the School Committee or its designee; and
  - 5. Agreed in writing with that person's parent and the School Committee or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the Commissioner.
- C. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to the attendance in public school under this paragraph must be approved by the Commissioner.

### Attendance of Children Five Years of Age or Older and Under Six Years of Age

A child five years of age or older and under six years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

### Alternatives to Attendance at Public Day School

- A. Equivalent instruction alternatives are as follows:
  - 1. A person shall be excused from attending a public day school if the person obtains equivalent instruction in:

- a. A private school approved for attendance purposes pursuant to 20-A MRSA § 2901;
  - b. A private school recognized by the department as providing equivalent instruction;
  - c. A home instruction program that complies with the requirements of 20-A MRSA § 5001-A(3)(A)(4); or
  - d. Any other manner arranged for by the School Committee and approved by the Commissioner.
- B. A person may be excused from attendance at a public day school pursuant to 20-A MRSA § 5104-A (other public or private alternative programs) or § 8605 (student attendance in adult education courses).

### **Credit for Attendance at a Private School**

A student shall be credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

### **Discontinuation of Home Instruction**

If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for by law. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of Maine's system of Learning Results.

### **Excusable Absence**

A person's absence is excused when the absence is for the following reasons:

- A. Personal illness;
- B. An appointment with a health professional that must be made during the regular school day;
- C. Observance of a recognized religious holiday when the observance is required during the regular school day;
- D. A family emergency;

- E. A planned absence for a personal or educational purpose that has been approved;
- F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development placement or some other out-of-district placement that is not otherwise authorized by either any individual education plan or a superintendents' student transfer agreement. "Education disruption" does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery.

### **Parental Responsibility**

Parents are responsible for the school attendance of students who are under 17 years of age. The school unit shall work with families in an effort to ensure compliance.

### **Adult Students**

Secondary school students 20 years of age or more will only be admitted to the Sanford Schools with prior approval of the School Committee.

Legal Reference: 20-A MRSA § 5001-A; 5003; 5201  
Ch. 125 § 8.06 (Maine Dept. of Ed. Rules)

Cross Reference: IHBG - Home Schooling  
JFC - Student Withdrawal from School/Dropout Prevention  
Committee  
JHB - Truancy

Adoption date: December 21, 1993

Updated: January 2022

## TRUANCY

### TRUANCY DEFINED

A student is truant if he/she is required to attend school or alternative instruction under Maine compulsory attendance law (20-A MRSA § 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 6 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. Truancy under this paragraph is considered “child abuse and neglect” under Maine law and is reportable to the Department of Health and Human Services (DHHS) when the truancy is a result of neglect by a person responsible for the child; or
- C. A child 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session. Such a child will be considered truant if he/she has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year. Truancy under this paragraph is considered “child abuse and neglect” under Maine law and is reportable to the Department of Health and Human Services (DHHS) when the truancy is a result of neglect by a person responsible for the child.

### ATTENDANCE COORDINATORS

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

- A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal;
- 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 law.

## TRUANCY PROCEDURES

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

- A. The principal, upon determining that a student is truant, shall notify the Superintendent of the student's truancy **within five school days of the last unexcused absence.**
- B. **Within five school days of notification, the Superintendent/designee will refer the student who has been determined to be truant to the school's student assistance or student attendance team.**
- C. **The student assistance team or student attendance team will meet to determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team or student attendance team shall develop an intervention plan to address the student's absences and the negative effect of these absences.**

An intervention plan may include, but is 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 parent(s) to appear at scheduled meetings does not preclude school administrators from implementing a plan to address a student's truancy.

- D. The student and his/her parents/guardians shall be invited to attend any meetings scheduled to discuss the student's truancy and the intervention plan.
- E. As part of correcting the problem informally, the Superintendent may ask the student's parent to attend a series of meetings with the child's teacher(s) or other school staff designated by the Superintendent. The purpose of the meetings is to describe the education program to the parent and explain the value of the child's attending an educational program, including, but not limited to, public school, adult education, a high school equivalency degree program or other alternative education program. Meetings shall occur at a mutually convenient time to parents and staff.
- F. 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(s) 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 MRSA §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 MRSA § 5053-A and will jeopardize the student's status in the grade he/she is in;
  4. State that the Superintendent/designee may notify local law enforcement authorities of a violation of 20-A MRSA § 5053-A and the Department of Health and Human Services (DHHS) of a violation under and 20-A MRSA § 5051-A(1)(C); and
  5. Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan.
- G. **Prior to notifying local law enforcement authorities, the Superintendent/designee shall schedule at least one meeting of the student assistance team or student attendance team as required by law.**
- H. If after three school days after the service of the notice described in paragraph F of this policy the student remains truant and the parent(s) and student refuse to attend the meeting referred to in paragraph E, the Superintendent/designee shall report the facts of the unlawful absence to local law enforcement authorities. Local law enforcement may proceed with enforcement action against the parent unless the student is at once

placed in an appropriate school or otherwise meets the requirements of the compulsory attendance law.

- I. When a student is determined to be truant and in violation of the compulsory attendance law, and the student assistance team or student attendance team has made a good faith attempt to meet the requirements, the Superintendent shall notify the School Committee of the student's truancy.

## ANNUAL REPORT TO COMMISSIONER

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

Legal Reference: 20-A MRSA §§ 5001-A; 5051-A-5054-A  
22 MRSA § 4002

Cross Reference: JEA – Compulsory Attendance  
JFC – Dropout Prevention—Student Withdrawal from School  
JLF – Reporting Child Abuse and Neglect

Adopted: January 2022



EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

1. The law provides for the exclusion and exemption of students from school attendance.
2. Students may be excluded if they do not submit acceptable proof of current immunizations as required by law (within 90 days of attending school); if they suffer from contagious diseases; or if they are "a source of offense or danger to other pupils in school on account of filthiness" or for other reasons, as specified by law.
3. Students may be exempted from school attendance if their physical or mental condition makes it inexpedient for them to attend.

In addition, students may be exempted \*.. .if (i) the student has reached the age of 15 or completes the 9th grade, (ii) the parent(s) gives the student permission to leave school, (iii) the student is approved by the principal for a suitable program of work and study or training, (iv) the School Committee, or its designee, approves, and (v) the student's parent(s) and the School Committee, or its designee, agree in writing to meet annually until the student's 17th birthday to review the student's educational needs. Unless otherwise indicated by the School Committee, its designee shall be the Superintendent or, if unavailable, the Assistant Superintendent.

All exclusions and exemptions are subject to review and approval by the School Committee. When a child is able to return to school during the year, he or she shall be readmitted if the school administration and the School Committee are satisfied that such readmission serves the best interests of the child and the school.

Adoption date: December 21, 1993

Effective date: December 21, 1993

(Replacing Existing Policy IHBG)

## HOME SCHOOLING

Parents/guardians who wish to have their children fulfill the compulsory school attendance law through equivalent education by home schooling must comply with the provisions of 20-A MRSA § 5001-A(3)(A)(4).

- A. The student's parent/guardian must provide a written notice of intent to provide home instruction simultaneously to the Commissioner of the Department of Education within ten calendar days of the beginning of home instruction. The notice must contain the following information:
  1. The name, signature and address of the student's parent/guardian;
  2. The name and age of the student;
  3. The date the home instruction program will begin;
  4. A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts, and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and
  5. A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in 20-A MRSA § 5001-A(3)(A)(4)(b) and paragraph B below.
- B. On or before September 1 of each subsequent year of home instruction, the student's parent/guardian must file a letter with the Commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:
  1. A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the Commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the Superintendent

of the administrative unit prior to submission of the written notice of intent to provide home instruction;

2. A test developed by the Superintendent/designee of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the Superintendent of the administrative unit prior to submission of the written notice of intent to provide home instruction;
  3. A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;
  4. A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area home schooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or
  5. A review and acceptance of the student's progress by a local advisory board selected by the Superintendent of the administrative unit in which the student resides that includes one administrative unit employee and two home instruction tutors. A "home instruction tutor" means the parent/guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the Superintendent of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.
- C. Dissemination of any information filed under 20-A MRSA § 5001-A(3)(A) (which applies to alternatives to attendance at public day school, including home schooling) is governed by the provisions of 20-A MRSA § 6001 (dissemination of information); the federal Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 USC § 1401-1487 (2002), except that "directory information" as defined by the federal Family Educational Rights and Privacy Act (FERPA) is confidential and is not subject to public disclosure unless the parent/guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of any information filed under 20-A MRSA § 5001-A(3)(A) must be maintained by the student's parent/guardian until the home instruction program concludes. The records must be made available to the Commissioner upon request.
- D. If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for by law. The receiving school shall determine the

placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of Maine's system of Learning Results.

The School Committee accepts no responsibility for the unit in the application, review, approval, or oversight of home instruction programs except as provided for by law or this policy.

Participation by home-schooled students in the public school program shall only be permitted as described elsewhere in School Committee policy.

The Superintendent shall maintain a roster of all students eligible to attend school within the school unit who are receiving equivalent instruction, as provided in Department of Education rules.

Legal Reference: 20-A MRSAS 5001-A  
Ch. 125 § 12.02, Ch. 130 (Me. Dept. of Ed. Rules)

Cross Reference: JEA – Compulsory School Attendance  
IHBGA – Home Schooling—Participation in School Programs  
IHBGB – Special Education Services for Students in Private Schools  
or Home Schooling  
JGAB – Assignment of Students to Classes: Transfer Students and  
Home-Schooling Students

Adopted: March 1, 1993

Updated: January 2022

## HOME SCHOOLING

Requests to fulfill the compulsory school attendance law through equivalent instruction by home schooling shall be made by the parent to the Department of Education with a copy submitted to the Superintendent. The Superintendent may review such applications and may submit comment to the Department of Education within 30 days of receipt.

The Committee accepts no responsibility for the unit in the application, review and approval or oversight of such home instruction programs. Participation by home-schooled pupils in the public school program shall only be permitted as described elsewhere in the Committee policy.

The Superintendent shall maintain a roster of all students eligible to attend school within the school unit who have been excused for equivalent instruction.

Legal Reference:       20-A MRSA sex 5991-A.3  
                              Ch. 125.19, C (Basic School Approval Regulations)  
                              Ch. 20 (Rules for Equivalent Instruction Through Home  
                              Instructions)

Cross Reference:       JE- School Attendance  
                              IHGBA- Home Schooling—Participation in School Programs

Adoption Date:        March 1, 1993

Effective Date:       March 1, 1993

SANFORD SCHOOL DEPARTMENT