

TRUANCY

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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.
- C. A child 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.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.

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

[NOTE: 20-A MRSA § 5051-A (2) prescribes certain procedures that must be followed when a student is truant. Another provision, 20-A MRSA § 5051-A (B-1) requires the Superintendent to develop specific referral procedures. Both sections refer to the school's student assistance team or "school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under §4710." That section (§4710) requires school units to "develop and implement a system of interventions for kindergarten to grade 12 that provide each student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard." For simplicity, we have referred to the student assistance team or "general education intervention system personnel." 20-A MRSA § 5051-A(C) sets out the procedure to be followed if the intervention plan fails to correct the truancy. The procedures in this section of the policy meld these requirements in lieu of developing separate 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 team or the school's general education intervention system personnel.
- C. The student assistance team or the school's general education intervention system personnel 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 the school's general education intervention system personnel 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. 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

[NOTE: The definition of “child abuse and neglect” includes “failure to ensure compliance with school attendance requirements [in regard to students from age 6 up to completion of sixth grade] by a person responsible for the child. This definition is in 22-MRSA § 4002.

The “mandatory reporting” statute is 22 MRSA § 4011-A.]

5. Outline the plan developed to address the student’s truancy and the steps that have been taken to implement that plan.
- F. Prior to notifying local law enforcement authorities, the Superintendent/designee shall schedule at least one meeting of the student assistance team or the school’s general education intervention system personnel as required by law and paragraph B of this policy and may invite a local prosecutor.
 - G. If after three school days after the service of the notice described in paragraph E of this policy the student remains truant and the parent(s) and student refuse to attend the meeting referred to in paragraph F, 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.
 - H. When a student is determined to be truant and in violation of the compulsory attendance law, and the student assistance team the school’s student assistance team or the school’s general education intervention system personnel has made a good faith attempt to meet the requirements, the Superintendent shall notify the Board 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

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