

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 the result of neglect by a person responsible for the child; or
- C. A child 5 years of age or older who has been voluntarily enrolled in school; has not completed grade 6; and has the equivalent of 7 full days of unexcused absences or 5 consecutive 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 the 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. An attendance coordinator must be a professionally certified or registered person in the mental health, social welfare or educational system who is qualified to carry out the duties of an attendance coordinator in accordance with such rules as may be developed by the State Board of Education.

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 general education intervention system team within five school days.
- C. The general education intervention system 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 general education intervention system 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. Consideration of multiple pathways of learned as allowed by law;
- 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.

The plan should also address how future absences of the student will be dealt with; the timeline for particular activities; and periodic reports to the Superintendent on the student's progress in complying with the plan.

- 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. Failure of the student and/or their parents/legal guardians to attend any scheduled meetings shall not preclude the school system from implementing an intervention plan.
- E. If the intervention plan does not correct the student's truancy, the Superintendent shall send written notice to the parent/legal guardian that the student's attendance is required by law. The superintendent may make two documented attempts to serve (or cause to be served) the notice by certified mail. 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/legal guardian'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 their current grade;
 4. State that the Superintendent/designee may notify local law enforcement authorities of a violation of 20-A MRSA § 5053-A and if the violation falls under Section 1(B)(2) or (B)(3) of this policy, must notify the Department of Health and Human Services (DHHS); and
 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 general education

intervention system as required by law and Section 3(C) of this policy and may invite a local prosecutor.

- G. If after three school days after the second attempted service of the notice described in Section 3(E) of this policy the student remains truant and the parent/legal guardian and student refuse to attend the meeting referred to in Section 3(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/legal guardian 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 general education intervention system 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(1); (6)(B-2)

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

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