

JHB - Truancy

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I. Definition

A student is truant if they are required to attend school or alternative instruction under Maine compulsory attendance law (20-A MRSA § 5001-A) and he/she:

1. Has completed grade six and has the equivalent of 10 full days of unexcused absences or seven consecutive school days of unexcused absences during a school year; *or*
2. Is at least six years of age and has not completed grade six and has the equivalent of seven full days of unexcused absences or five 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); *or*
3. *Is at least 5 years of age and 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 school days of unexcused absences during a school year. Truancy under this paragraph will also be reported to DHHS.*

II. Attendance Coordinators

The Board shall appoint one or more attendance coordinators typically a building administrator in accordance with state law. 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.

III. Truancy Procedure

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 under Section I, shall notify the Superintendent within five school days of the last unexcused absence.

B. A student who is determined to be truant shall be referred by the Superintendent to school-based intervention team within five school days.

C. The school-based intervention team shall meet and determine the cause of the truancy and assess the impact of the student's past and possible future absences on the student. If it is determined that the absences have a negative effect, the school-based intervention team shall develop an intervention plan to address the student's absences and any negative effects.

The intervention plan may include, but is not limited to:

1. Frequent communication between the teacher(s) 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 learning as allowed by law;
8. Attendance contracts;
9. Referral to family services agencies; and
10. Other interventions, including but not limited to referral to the school attendance coordinator, school-based intervention 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 their parents/legal guardians shall be invited to attend any meetings scheduled to discuss their 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 from implementing an intervention plan.

E. If the intervention plan does not correct the student's truancy, the Superintendent shall serve or cause to be served upon the parent in-hand or by registered mail a written notice that the student's attendance at school is required by law. The notice shall:

1. State that the student is required to attend school pursuant to 20-A MRS § 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 MRS § 5053-A and will jeopardize the student's status in their current grade;
4. State that the Superintendent may notify local law enforcement authorities of a violation of 20-A MRS § 5053-A, and, if the violation falls under Section I.B.2 or B.3., may notify the Department of Health and Human Services; and of a violation under and 20-A MRSA § 5051-A(1)(C); and
5. Outline the intervention 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 shall schedule at least one meeting of the school-based intervention team as required in Section III.C and may invite a local prosecutor.

G. If after three school days after the service of the notice described in Section III.C of this policy the student remains truant and the parent and student refuse to attend the meeting referred to in Section III.E, the Superintendent shall report the facts of the unlawful absence to local law enforcement authorities. Local law enforcement may proceed with enforcement action 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 school-based intervention team has made a good faith attempt to meet the requirements of Section III.C, the Superintendent shall notify the Board of the truancy.

IV. Annual Report to Commissioner

The Superintendent shall submit an annual report regarding truancy to the Commissioner of Education by October 1. The report must identify the number of truants in the school administration unit in the preceding school year; describe the school unit's efforts to deal with truancy; account for actions brought under the truancy law, including the number of truants referred to the school-based intervention team; and include any other information on truancy requested by the Commissioner.

Legal Reference:

20-A MRSA §§ 3272; 5001-A; 5051-A to 5054

22 MRSA §§ 4002(1); (6)(B-2)

Cross Reference:

JEA - Compulsory School Attendance

JFC - Dropout Prevention Committee

JLF - Child Abuse Reporting, Prevention and Education

Adopted: October 5, 1977

Policy Revised: November 1, 1979, May 7, 1980, August 19, 1987, April 5, 2000, December 18, 2013, June 01, 2016, October 16, 2019, December 2, 2020 and June 15, 2022

Revision #1

Created 3 October 2022 15:03:29 by Elaine Robinson

Updated 4 December 2024 18:18:33 by Elaine Robinson