

## TRUANCY

### I. Definition

A student is truant if the student:

- A. Is subject to the compulsory attendance law and
  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;
  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 in accordance with state 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 the school’s student assistance team within five school days.
- C. The 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 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, 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/legal guardians shall be invited to attend any meetings scheduled to discuss his/her truancy and the intervention plan. Failure of the student and/or his/her 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 his/her 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, may notify the Department of Health and Human Services; 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 student assistance team as required in Paragraph 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 student assistance 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 student assistance team; and include any other information on truancy requested by the Commissioner.

Legal Reference: 20-A MRS §§ 5001-A; 5051-A to 5054  
22 MRS § 4002(1)

Cross Reference: JEA - Compulsory School Attendance  
JFC – Dropout Prevention Committee  
JLF – Child Abuse Reporting, Prevention and Education

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