§5001-A. Compulsory attendance

Attendance at school shall be required of persons in the State as follows. [PL 1983, c. 806, §49 (NEW).]

1. Requirement. Persons 6 years of age or older and under 17 years of age shall attend a public day school during the time it is in regular session.
[PL 2019, c. 508, §6 (AMD).]

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.
[PL 2019, c. 508, §7 (AMD).]

2. Exceptions. Attendance at school shall not be required of the following:

A. A person who graduates from high school before that person's 17th birthday; [PL 1983, c. 806, §49 (NEW).]

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 board or its designee; and

(5) Agreed in writing with that person's parent and the school board 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; or [PL 2025, c. 390, Pt. A, §32 (AMD).]

C. [PL 2003, c. 688, Pt. H, §2 (RP); PL 2003, c. 688, Pt. H, §3 (AFF).]

D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner. [PL 2025, c. 390, Pt. A, §33 (AMD).]

E. [PL 2025, c. 390, Pt. A, §34 (RP).]
[PL 2025, c. 390, Pt. A, §§32-34 (AMD).]

3. Alternatives to attendance at public day school. Alternatives to attendance at public day school are as follows. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student is 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.

(4) The following provisions govern a home instruction program.

(a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:

(i) The name, signature and address of the student's parent or guardian;

(ii) The name and age of the student;

(iii) The date the home instruction program will begin;

(iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: 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

(v) 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 division (b).

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and 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:

(i) 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 school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) 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 homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) 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 2 home instruction tutors. For the purpose of this subdivision, 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 school officials 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 this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or 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 in this paragraph. 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 the system of learning results as established in section 6209. [PL 2019, c. 508, §8 (AMD).]

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605. [PL 1989, c. 415, §14 (AMD).]

C. [PL 1991, c. 622, Pt. G, §3 (RP); PL 1991, c. 622, Pt. G, §§4, 31, 33 (AFF).]
[PL 2019, c. 508, §8 (AMD).]

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

A. Personal health, including the person's physical, mental and behavioral health; [PL 2019, c. 562, §2 (AMD).]

B. An appointment with a health professional that must be made during the regular school day; [PL 1983, c. 806, §49 (NEW).]

C. Observance of a recognized religious holiday when the observance is required during the regular school day; [PL 1983, c. 806, §49 (NEW).]

D. A family emergency; [PL 2007, c. 451, §3 (AMD).]

E. A planned absence for a personal or educational purpose that has been approved; or [PL 2007, c. 451, §4 (AMD).]

F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by either an individualized education plan or other education plan or a superintendent's agreement developed in accordance with section 5205, subsection 2. This paragraph 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. [PL 2007, c. 451, §5 (NEW).]
[PL 2019, c. 562, §2 (AMD).]

5. Adult responsibility. An adult having a person of compulsory school age under that adult's control shall cause the person to attend school as provided in this section.
[PL 1989, c. 415, §15 (AMD).]

6. Noncompliance.

[PL 1989, c. 415, §16 (RP).]

7. Purpose. Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our society and our nation. Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry. Public schools should ensure the rights of access for all school-age persons to an appropriate educational opportunity and, when necessary, should develop alternatives to regular school curricula for those children and youth at risk of becoming dropouts and those who may have left school.
[PL 1989, c. 415, §17 (NEW).]

SECTION HISTORY

PL 1983, c. 806, §49 (NEW). PL 1983, c. 862, §56 (AMD). PL 1985, c. 123, §§1,2 (AMD). PL 1987, c. 114 (AMD). PL 1989, c. 415, §§13-17 (AMD). PL 1989, c. 537 (AMD). PL 1991, c. 602, §§1,2 (AMD). PL 1991, c. 602, §4 (AFF). PL 1991, c. 622, §G3 (AMD). PL 1991, c. 622, §§G4,31,33 (AFF). PL 1995, c. 610, §2 (AFF). PL 2003, c. 181, §1 (AMD). PL 2003, c. 533, §1 (AMD). PL 2003, c. 688, §§H1,2 (AMD). PL 2003, c. 688, §H3 (AFF). PL 2007, c. 111, §1 (AMD). PL 2007, c. 451, §§3-5 (AMD). PL 2009, c. 330, §§1-3 (AMD). PL 2015, c. 448, §9 (AMD). PL 2019, c. 235, §§4, 5 (AMD). PL 2019, c. 508, §§6-8 (AMD). PL 2019, c. 562, §2 (AMD). PL 2025, c. 390, Pt. A, §§32-34 (AMD).

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