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Public Law
123rd Legislature
First Regular Session

Chapter 304
H.P. 353 - L.D. 454

An Act To Amend Truancy Laws Regarding Parent Involvement

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §3272, sub-§2, as amended by PL 1989, c. 415, §5, is repealed and the following enacted in its place:

2. Habitual truancy. A person is habitually truant if:

A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter 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. The person is required to attend school or alternative instruction and is at least 7 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

Sec. 2. 20-A MRSA §3272, sub-§3, as enacted by PL 1985, c. 490, §8, is amended to read:

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

A. Personal illness;

B. An appointment with a health professional that must be made during the regular school day and the absence has prior approval;

C. Observance of a recognized religious holiday when the observance is required during the regular school day and the absence has prior approval;

D. A family emergency; or

E. A planned absence for a personal or educational purpose which~~that~~ has been approved~~prior approval~~.

Sec. 3. 20-A MRSA §3273, sub-§1, as repealed and replaced by PL 1989, c. 415, §6, is repealed and the following enacted in its place:

1. Civil violations. A parent who has control of a person who is habitually truant under section 3272, subsection 2 and who is primarily responsible for that person's truancy commits a civil violation under this chapter.

Sec. 4. 20-A MRSA §3273, sub-§6 is enacted to read:

6. Fine. For a civil violation under this section, the court may impose a fine not to exceed \$250, all or part of which may be suspended upon the offender's compliance with a court order under this section.

Sec. 5. 20-A MRSA §5051-A, sub-§1, as enacted by PL 2003, c. 533, §3, is amended to read:

1. Habitually truant. A student is habitually truant if the student is subject to section 5001-A and:

A. ~~Is subject to section 5001-A; and~~

B. 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

C. Is at least 7 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.

Sec. 6. 20-A MRSA §5051-A, sub-§2, ¶C, as enacted by PL 2003, c. 533, §3, is amended to read:

C. If the superintendent or superintendent's designee is unable to correct the truancy of the child, the superintendent or superintendent's designee shall serve or cause to be served upon the parent in hand or by registered mail a written notice that attendance of the child at school is required by law. The notice must:

(1) State that the student is required to attend school pursuant to section 5001-A;

(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 section 5053-A and explain the possible penalties;

(4) State that the superintendent or the superintendent's designee may notify the local law enforcement department of a violation of this statute and the Department of Health and Human Services of a violation under subsection 1, paragraph C; and

(5) Outline the plan developed to address the student's habitual truancy and the steps that have been taken to implement that plan.

Sec. 7. 20-A MRSA §5051-A, sub-§2, ¶D, as enacted by PL 2003, c. 533, §3, is amended to read:

D. Prior to notifying the local law enforcement department under paragraph E, the superintendent or superintendent's designee shall schedule at least one meeting as required in paragraph B and may invite a local prosecutor.

Sec. 8. 20-A MRSA §5053-A, sub-§1, as enacted by PL 2003, c. 533, §5, is amended to read:

1. Civil violation. If a parent has control of a student who is habitually truant under section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not less ~~more~~ than \$25\$250 may be adjudged, all or part of which may be suspended upon the parent's compliance with a court order under subsection 2.

Sec. 9. 20-A MRSA §5053-A, sub-§4, as enacted by PL 2003, c. 533, §5, is amended to read:

4. Prima facie proof. Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated ~~107~~ absences that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the ~~child's parent failed to enroll the child in school, failed to send the child to school or failed to require the child to regularly attend school~~ parent is primarily responsible for the child's habitual truancy or the parent failed to take corrective measures for the child's habitual truancy.

Sec. 10. 22 MRSA §4002, sub-§1, as amended by PL 1985, c. 739, §1, is further amended to read:

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A, section 3272, subsection 2, paragraph B or section 5051-A, subsection 1, paragraph C, by a person responsible for the child.

Sec. 11. 22 MRSA §4002, sub-§6, ¶B, as amended by PL 2005, c. 373, §4, is further amended to read:

B. Deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 years of age and has not completed grade 6;

Effective September 20, 2007