

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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Sec. 1. 20-A MRSA §3272, sub-§2, as amended by PL 1989, c. 415, §5, is repealed and the following enacted in its place: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 over 6 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 has prior approval or reporting;

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

D. A family emergency; or

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

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

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

Sec. 4. 20-A MRSA §5051-A, sub-§1, ¶B, as enacted by PL 2003, c. 533, §3, is amended to read:

B. Has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; and

Sec. 5. 20-A MRSA §5051-A, sub-§1, ¶C is enacted to read:

C. Is over 6 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. 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 or Class E crime 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

(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, as enacted by PL 2003, c. 533, §5, is amended to read:

§ 5053-A. Enforcement

1. Civil violation. If a parent has control of a student who is habitually truant under section 3272, subsection 2, paragraph A and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not less than \$25 may be adjudged.

1-A. Class E crime. If a parent has control of a student who is habitually truant under section 3272, subsection 2, paragraph B and that parent is aware of the habitual truancy yet fails to take corrective measures, that parent commits a Class E crime.

2. Dispositions. The court may also order a parent adjudicated as violating subsection 1 or 1-A to take specific action to ensure the child's attendance at school; comply with the plan developed in accordance with section 5051-A, subsection 2, paragraph A; participate in a parent-training class; attend school with the child; perform community service hours at the school; or participate in counseling or other services as appropriate.

3. Notice required. Notice must be provided to the parent pursuant to section 5051-A, subsection 2, paragraph C before a prosecution for violating subsection 1 or 1-A may be brought against the parent.

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.

5. Defense. It is a defense to a prosecution under subsection 1 or 1-A that the parent has exercised reasonable diligence in attempting to cause a child in the parent's custody to attend school or that the administrators of the child's school did not perform their duties as required by law.

6. Process. Service of a summons on the parent pursuant to subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

7. Jurisdiction. The District Court has jurisdiction over violations under subsection 1 or 1-A.

SUMMARY

This bill strengthens the truancy laws by making it a Class E crime for parents who fail to take corrective measures for truant children from kindergarten to grade 6.