

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Education and Cultural Affairs
From: Hillary Risler, Esq., Legislative Analyst
Date: 2/17/2021
Subj: **LD 55, “An Act To Protect Minority Religious Groups by Eliminating the Prior Approval Requirement for a School Absence for a Recognized Religious Holiday (Fecteau)”**

SUMMARY

Under current law, one of the reasons for an excusable absence from school is for observance of a recognized religious holiday when the observance is required during the regular school day and the absence has prior approval.

This bill removes the requirement for prior approval from the statute.

TESTIMONY

- Proponents:
 - Schools have largely recognized that there isn’t a need for prior approval for religious absences
 - Requiring a student to obtain approval to attend a religious service is unnecessary and allows the school the ability to deny such a request
 - The statute unfairly targets students whose religious events are not consistent with those already on the school calendar
- Opponents: None
- Neither For Nor Against: None

PRELIMINARY FISCAL IMPACT STATEMENT:

- Not yet determined

20-A MRSA §3272, sub-§ 3. Truancy; excusable absences (Page # 107)

3. 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;
- 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 that has prior approval.