

TESTIMONY NEITHER FOR NOR AGAINST

L.D. 322

AN ACT TO PROMOTE STUDENT ATTENDANCE IN SCHOOLS BY
REQUIRING THE COMMISSIONER OF EDUCATION TO IMPLEMENT
SCHOOL ATTENDANCE BEST PRACTICES

March 19, 2025

Senator Rafferty, Representative Noonan Murphy, and esteemed members of the Education and Cultural Affairs Committee, I am Eileen King, the deputy executive director of the Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association neither for nor against *L.D. 322, An Act to Promote Student Attendance in Schools by Requiring the Commissioner of Education to Implement School Attendance Best Practices*.

Maine school districts have made school attendance a top priority for many years, and particularly in the wake of the COVID-19 pandemic. Our school superintendents and board members know that Maine's current truancy laws are inadequate to take on this challenge. Much of the statute is unenforceable and often pits administrators and educators against families in a way that creates conflict instead of progress. We appreciate the sponsor's goals in L.D. 322 in moving away from these punitive measures and towards a proactive approach focused on attendance best practices.

In just the past few years, the legislature has already helped to lead in making substantial progress on this issue. In 2023, the education committee passed L.D. 1841, requiring the establishment of attendance review teams for districts with relatively high rates of absenteeism. These teams are expected to include:

School administrators, guidance counselors, school counselors, school social workers and teachers. An attendance review team is responsible for reviewing the cases of students who are truant and chronically absent students, discussing school interventions and community referrals for such students who are truant and chronically absent students and making any additional recommendations for such students who are truant and chronically absent students and their parents or guardians. An attendance review team shall meet at least monthly.

In addition, last fall the Maine Department of Education began reviewing Chapter 128: Truant and Dropout Guidelines. In its announcement, the agency said it was undertaking the review to reflect the "evolving understanding of the nature of student attendance, the lessons learned from COVID, and feedback from the Truancy, Dropout, Alternative Education Committee, we have elected to revisit this rule to ensure it aligns with what we believe is best practice and how our educators, students, and families interact."

We have attached a recently updated MSMA Model Policy on Attendance, Chronic Absenteeism and Truancy. This has been created as the result of careful work with state officials and experts and in response to these changes. You will see that these policies already contain many best practices for reducing absenteeism: creation of an attendance review team; monitoring student data; improving school culture; working with community organizations; and strengthening outreach and connections with families.

These policies are an important starting point to help schools as they seek to ensure more students are in school every single day. And importantly, these policies can also be adapted to the needs and specific circumstances of their communities. We know that the reasons for chronic absenteeism look different in Portland, Machias, or Dover-Foxcroft. We believe that schools and communities must have the flexibility to institute unique practices to address these individual needs.

Our members believe that much of this work is already resulting in positive change in schools across our state. We hope that L.D. 322 would reflect this excellent work and allow it to continue and grow.

In addition, Maine schools also know that simply changing state statutes is not enough to create real change in absenteeism rates. Schools must also receive the proper resources and support to succeed. Schools need sufficient staffing so they can reach out to local families. They also need more funding for mental health and behavioral supports. These additions would allow Maine schools to implement these changes with fidelity and lead to lasting, positive changes.

STUDENT ATTENDANCE

(STUDENT ATTENDANCE, CHRONIC ABSENTEEISM, AND TRUANCY)

The Board recognizes that regular school attendance is essential to student learning and achievement. Because the process of education depends on sequential exposure to subject matter, continuity of instruction, and class participation, absence from school is detrimental to student learning. The interaction of students with the teacher and with other students contributes to mastery of content, critical thinking and development of effective communication and social skills. Additionally, the class and school may suffer when the full complement of students is not present. If students do not attend school regularly, particular in their younger years, they miss out on developing foundational reading and math skills, increasing their risk of falling further behind their peers, along with the chance to build a habit of reliable attendance that will carry them through their elementary and secondary years and into college and careers.

A SHARED RESPONSIBILITY

The Board believes that responsibility for maintaining regular student attendance is a shared responsibility of parents, students, and schools.

Parents are expected to ensure that their children arrive at school each day on time, remain in school for the full day, and attend school consistently throughout the year.

Students are expected to attend school every day, arrive at school and to each class on time, and remain in school until the end of the school day.

As for the school district's role, the Board recognizes that schools may need to be more engaged in identifying parent and student barriers to regular attendance and employing a variety of strategies to increase student attendance. A commitment to reducing student absenteeism **[OR: increasing student attendance]** will contribute to providing students an equitable opportunity to learn and grow academically, emotionally, and socially.

MONITORING STUDENT ATTENDANCE

The Board encourages the Superintendent to appoint an attendance review team to:

- A. Review individual student attendance records, especially those of students receiving Tier 2 supports to determine whether the student's pattern of absenteeism suggests they may benefit from additional or more intense assistance from the attendance review team, referral to the school's student assistance team **[OR: student support team, RTI (response to intervention) team, MTSS (multi-tiered student support) team, attendance review team]** or other intervention to prevent or remediate chronic absenteeism and to reduce the risk of academic failure; and
- B. At the school level, review attendance data at various intervals during the school year to calculate the rate of absenteeism to determine whether there are patterns emerging that indicate that chronic absenteeism (as defined in the next section of this policy) is becoming, or is, a problem.

An individual student is considered chronically absent if they have missed 10% or more school days in the current school year, including both excused and unexcused absences.

At any point during the school year, the rate of absenteeism at that school can be calculated by dividing the total number of absent students at the school by the number of students enrolled in the school, expressed as a percentage.

ADDRESSING CHRONIC ABSENTEEISM

The Board is aware that student attendance is related to accountability under the Every Student Succeeds Act (ESSA). ESSA requires that each state select an accountability measurement ("indicator"), "of school quality or student success" in addition to the four academic indicators specifically required by ESSA. Maine has chosen the measure of chronic absenteeism (the rate of absenteeism) as its fifth indicator.

A student is defined as chronically absent if enrolled for a minimum of ten (10) days and absent for 10% or more of the days enrolled. All absences (excused, unexcused, and those due to suspension) are used to make this determination.

For the purpose of ESSA reporting, the rate of absenteeism at the school level is calculated by dividing the total number of chronically absent students for a school in the previous school year by the number of students enrolled in that school for that school year, expressed as a percentage.

The rate of absenteeism at the district level is calculated by dividing the total number of chronically absent students under the jurisdiction of the school district in the previous school year by the total number of students under the jurisdiction of that school district for that year, expressed as a percentage.

Maine law (20-A MRSA § 5171) requires the establishment of an attendance review team to review chronic absence for the school district if:

- The school unit (as a whole) has a chronic absenteeism rate of 10% or higher;
- The school unit has under its jurisdiction a school under its jurisdiction with a chronic absenteeism rate of 15% or more;
- The school unit has under its jurisdiction more than one school with a school chronic absenteeism rate of 15% or higher; or
- The school unit (as a whole) has a chronic absenteeism rate of 10% or higher and has one or more schools under its jurisdiction under its jurisdiction with a chronic absenteeism rate of 15% or higher.

The Superintendent/designee will be responsible for appointing members to the attendance review team. The attendance review team may include school administrators, guidance counselors, school counselors, school social workers and teachers.

The attendance review team is responsible for reviewing the cases of chronically absent or truant students, discussing school interventions and referrals for such students, and making additional recommendations for such students and their parents.

BEYOND CHRONIC ABSENTEEISM: TAKING A COMPREHENSIVE APPROACH TO IMPROVING STUDENT ATTENDANCE

The Board believes that students, their parents, and the schools themselves are best served when the school district and the schools within it take a systemic, positive, and active approach to improving student attendance. This includes:

- Monitoring student attendance to collect data and detect trends and barriers to attendance;
- Clearly explaining expectations, rules, and procedures related to student attendance, emphasizing the relationship between consistent attendance and student success; how parents should report student absences; the potential academic consequences of excessive absenteeism; the making up of tests, quizzes, and other work missed during excused and unexcused absences; and the potential disciplinary consequences for unexcused absences;
- Promoting a culture of attendance and incentivizing, recognizing and rewarding good attendance;
- Ensuring that schools are safe, supportive, and welcoming to all students;
- Organizing and supporting parent groups and opportunities to visit and volunteer in the schools;
- Building engagement and strengthening relationships with families through personalized outreach/communication;
- Instituting programs that promote daily attendance (e.g., school breakfast programs, “walking school bus,” and extended before and after-school activities);
- Connecting with community programs that offer after-school activities;
- Identifying barriers to school attendance (e.g., transportation issues, lack of suitable or clean clothing) and finding innovative ways to surmount them;
- Engaging with community organizations and resources to expand the “safety net” for students who need referrals to health, dental, and mental health care, and for parents who have limited English and/or literacy skills, or who experience difficulties in meeting their children’s basic needs for various reasons (e.g., food insecurity, lack of consistent housing, mental health, and substance abuse/misuse).

The Superintendent/designees(s) will be responsible for establishing such committees as they deem necessary or desirable to facilitate the development of a comprehensive approach to school attendance.

ATTENDANCE COORDINATORS

In accordance with Maine law, the Superintendent shall appoint one or more attendance coordinators. An attendance coordinator must be a professionally certified or registered person in the mental health, social welfare or educational system who is qualified to carry out the duties of an attendance coordinator in accordance with such rules as may be developed by the State Board of Education.

The duties of the attendance coordinator include, but are not limited to:

- A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal;
- B. Filing an annual report with the Superintendent summarizing school year activities, findings and recommendations regarding truants;
- C. Serving as a member of the dropout prevention committee; and
- D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under Maine law.

TRUANCY

Despite the school district's best efforts to discourage unexcused absences, there may be some students who will be identified as being truant under Maine's truancy statute (20-A MRSA § 5051-A).

TRUANCY DEFINED

A student is truant if he/she is required to attend school or alternative instruction under Maine compulsory attendance law (20-A MRSA § 5001-A) and he/she:

- A. 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
- B. Is at least 6 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; or
- C. Is enrolled in a public day school; is at least 5 years of age or older and has not completed grade 6; and has the equivalent of 7 full days of unexcused absences or 5 consecutive days of unexcused absences during a school year.

TRUANCY PROCEDURES

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, shall notify the Superintendent of the student's truancy within five school days of the last unexcused absence.
- B. Within in five school days of notification, the Superintendent/designee will refer the student who has been determined to be truant to the school's student assistance team [OR: student support team, RTI team, MTSS team, attendance review team, or other intervention system] within five school days.

- C. The student assistance team **[OR: student support team, RTI team, MTSS team, attendance review team, or other intervention system]** will meet to determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team **[OR: student support team, RTI team, MTSS team, attendance review team, or other intervention system]** shall develop an intervention plan to address the student's absences and the negative effect of these absences.

An intervention plan may include, but is not limited to:

1. Frequent communication between the teacher 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 learned as allowed by law;
8. Attendance contracts;
9. Referral to other agencies for family services; 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/guardians shall be invited to attend any meetings scheduled to discuss the student's truancy and the intervention plan. Failure of the student and/or their parents/legal guardians to attend any scheduled meetings shall not preclude the school system from implementing an intervention plan.
- E. If the intervention plan does not correct the student's truancy, the Superintendent shall follow the notice requirements outlined in 20-A MRSA § 5051-A (C) through (F).

Cross Reference: JEA/Compulsory Attendance
JLF/Reporting Child Abuse and Neglect

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.