



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

Michael Brennan

49 Wellington Road
Portland, ME 04103
Phone: (207) 939-6462
Michael.Brennan@legislature.maine.gov

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Testimony of Representative Michael Brennan presenting

LD 322, An Act to Promote Student Attendance in Schools by Requiring the Commissioner of Education to Implement School Attendance Best Practices

Before the Joint Standing Committee on Education and Cultural Affairs

Good morning, Senator Rafferty, Representative Noonan Murphy and fellow distinguished members of the Joint Standing Committee on Education and Cultural Affairs. My name is Michael Brennan, and I represent House District 115, which includes a portion of Portland.

Today, I am here to introduce **LD 322, An Act to Promote Student Attendance in Schools by Requiring the Commissioner of Education to Implement School Attendance Best Practices**.

This bill repeals laws related to truancy and instead requires the Commissioner of Education to adopt major substantive rules to increase school attendance. If passed into law, the sections of this bill that repeal the laws related to truancy would not go into effect until the Commissioner of Education adopts the rules to implement best practices to increase school attendance.

According to the Maine Department of Education, more than 27% of students were chronically absent during the 2022-2023 school year, a decline from more than 31% the year before. While we are making progress, there is clearly still more work to be done as this number is still greater than during pre-COVID times.

Regular school attendance is incredibly important for our students, not only because of the crucial learning that takes place, but also because schools provide meals, mental health services, community-based programs and more.

Thank you for your time and consideration. I am happy to answer any questions.

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

Sec. 1. 20-A MRSA §3272, as amended by PL 2021, c. 25, §1, is repealed.

Sec. 2. 20-A MRSA §3273, as amended by PL 2011, c. 614, §11, is repealed.

Sec. 3. 20-A MRSA §5001-A, sub-§1-B is enacted to read:

1-B. Rulemaking. To encourage and increase attendance, the commissioner shall ~~adopt~~ revise the existing school attendance rules to implement best practices to increase school attendance. Rules adopted pursuant to this subsection are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and indicated in Title 20-A, chapter 211, subchapter 6.

Sec. 4. 20-A MRSA c. 211, sub-c. 2, as amended, is repealed.

Sec. 5. 20-A MRSA §5401, sub-§7, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

7. Remote location. If a student resides in a location remote from and inaccessible to schools or public highways, the student's parents shall be responsible for providing transportation to a public highway or paying board for the student within walking distance of a school. ~~Failure of the parent to provide transportation or board shall be considered a violation of the truancy law.~~

Sec. 6. 20-A MRSA §6810, as amended by PL 2003, c. 533, §6, is repealed.

Sec. 7. 22 MRSA §4002, sub-§1, as amended by PL 2021, c. 176, §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 including under Title 17-A, sections 282, 852, 853 and 855 or deprivation of essential needs, or lack of protection from these, by a person responsible for the child. ~~"Abuse or neglect" also means truancy under Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1, paragraph C or D when truancy is the result of neglect by a person responsible for the child.~~ "Abuse or neglect" also means a threat to a child's health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Sec. 8. 22 MRSA §4002, sub-§6, ¶B-2, as enacted by PL 2021, c. 176, §4, is 30 repealed.

Sec. 9. Contingent effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 20-A, sections 3272, 3273 and 6810 and chapter 211, subchapter 2 and Title 22, section 4002, subsection 6, paragraph B-2 and that amend Title 20-A, section 5401, subsection 7 and Title 22, section 4002, subsection 1 do not take effect until:

1. The Commissioner of Education finally adopts rules pursuant to Title 20-A, section 5001-A, subsection 1-B; and
2. The Commissioner of Education notifies the Secretary of the Senate, the Clerk of 38 the House of Representatives and the Revisor of Statutes that the rules have been finally adopted.

SUMMARY This bill repeals laws related to truancy. The bill instead requires the Commissioner of Education to revise existing ~~adopt major substantive~~ rules to implement best practices to increase school attendance. The sections of this bill that repeal the laws related to truancy do not go into effect until the Commissioner of Education finally adopts the rules to implement best practices to increase school attendance.