

TESTIMONY IN SUPPORT OF

L.D. 55

AN ACT TO PROTECT MINORITY RELIGIOUS GROUPS BY ELIMINATING THE PRIOR APPROVAL REQUIREMENT FOR A SCHOOL ABSENCE FOR A RECOGNIZED RELIGIOUS HOLIDAY

Senator Daughtry, Representative Brennan and members of the Education and Cultural Affairs Committee. I am Eileen King, deputy executive director of Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association in support of L.D. 55.

We support the inclusive intent of this bill and believe it already is practice in public schools. As our country and state have become more diverse, it is appropriate to recognize religious holidays of all faiths. They are being included on school calendars in more districts to help staff and students be more aware.

It is the right thing to do, and it is the responsibility of school leaders to make all students feel safe and welcome.

I have attached a policy that addresses this issue and share with you the salient language:

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

- Observance of a recognized religious holiday when the observance is required during the regular school day.

We also know from our experience in the field and from our discussions with superintendents, this policy is followed in districts. The language L.D. 55 proposes would support the intent of our policy.

COMPULSORY ATTENDANCE

Under state law, full-time school attendance is required of all children from their 6th to their 17th birthday except:

- A. A person who graduates from high school before their 17th birthday;
- B. A person who has:
 - 1. Reached the age of 15 years or completed the 9th grade;
 - 2. Permission to leave school from that person's parent;
 - 3. Been approved by the principal for a suitable program of work and study or training;
 - 4. Permission to leave school from the Board or its designee; and
 - 5. Agreed in writing with that person's parent and the Board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the Commissioner; or
- C. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to the attendance in public school under this paragraph must be approved by the Commissioner.

Attendance of Children Five Years of Age or Older and Under Six Years of Age

A child five years of age or older and under six years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

Alternatives to Attendance at Public Day School

- A. Equivalent instruction alternatives are as follows:
 - 1. A person shall be excused from attending a public day school if the person obtains equivalent instruction in:

- a. A private school approved for attendance purposes pursuant to 20-A MRSA § 2901;
 - b. A private school recognized by the department as providing equivalent instruction;
 - c. A home instruction program that complies with the requirements of 20-A MRSA § 5001-A(3)(A)(4); or
 - d. Any other manner arranged for by the Board and approved by the Commissioner.
- B. A person may be excused from attendance at a public day school pursuant to 20-A MRSA § 5104-A (other public or private alternative programs) or § 8605 (student attendance in adult education courses).

Credit for Attendance at a Private School

A student shall be credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

Discontinuation of Home Instruction

If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for by law. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of Maine's system of Learning Results.

Excusable Absence

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

- A. Personal health, including physical, mental and behavioral health;
- B. An appointment with a health professional that must be made during the regular school day;

Page 2 of 4

MAINE SCHOOL MANAGEMENT ASSOCIATION

NEPN/NSMA Code: JEA

- C. Observance of a recognized religious holiday when the observance is required during the regular school day;

- D. A family emergency;
- E. A planned absence for a personal or educational purpose that has been approved;
- F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development placement or some other out-of-district placement that is not otherwise authorized by either any individual education plan or a superintendents' student transfer agreement. "Education disruption" does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery.

[NOTE: Instructional planning for students experiencing educational disruption, including the "school work recognition plan," is addressed in 20-A MRSA § 5162, and transfer of records for these students in 20-A MRSA § 60021(B).]

Parental Responsibility

Parents are responsible for the school attendance of students who are under 17 years of age. The school unit shall work with families in an effort to ensure compliance.

Adult Students

Secondary school students 20 years of age or more will only be admitted to the school unit with prior Board approval.

Legal Reference: 20-A MRSA § 5001-A; 5003; 5201
Ch. 125 § 8.06 (Maine Dept. of Ed. Rules)

Cross Reference: IHBG - Home Schooling
JFC - Student Withdrawal from School/Dropout Prevention
Committee

Page 3 of 4

MAINE SCHOOL MANAGEMENT ASSOCIATION
NEPN/NSBA Code: JEA

Cross Reference (cont.):

JHB - Truancy

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.