

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO EXEMPT SCHOOL ADMINISTRATIVE UNITS FROM THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 WHEN STUDENT ATTENDANCE FALLS BELOW THE STATE TARGET DUE TO EXCESSIVE STUDENT ABSENTEEISM

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your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, the No Child Left Behind Act of 2001, Public Law 107-110, commonly known as "NCLB," is a federal law that reauthorizes a number of federal programs that aim to improve the performance of primary and secondary schools; and

WHEREAS, NCLB increases the standards of accountability for states, school districts and schools, and it has specific guidelines to reach the certain expectations and goals, which include having a requirement of schools to have a 95% rate of student attendance; and

WHEREAS, the intent of requiring a 95% attendance rate is to ensure that low-achieving students are not excluded from testing, but the problem with a 95% rate is that it is not a reasonable threshold with which to measure the average daily attendance rate in most schools in the United States and in the State of Maine; and

WHEREAS, the 95% attendance rate is an arbitrary figure that should be changed to a more realistic target that is based upon national or state attendance averages as recorded by school administrative units, since the rate does not reflect whether the absent students composing the remaining 5% are truants or students with excused absences; and

WHEREAS, most student absenteeism in the State of Maine is not due to truancy, but is actually due to excused absences as defined by Maine law; yet the excused absences, valid under Maine law, put our schools at risk of noncompliance with NCLB; now, therefore, be it

That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the No Child Left Behind Act of 2001 be amended to require that the rate of attendance in a school administrative unit be measured by an accurate count and that the percentage of the rate of attendance of a school should reflect only unexcused absences; and be it further

That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, Margaret Spellings, United States Secretary of Education, the Speaker of the House of Representatives

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