



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 150

S.P. 37

In Senate, January 17, 2019

### An Act To Improve Attendance at Public Elementary Schools

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.

Cosponsored by Senator: CLAXTON of Androscoggin, Representatives: BICKFORD of Auburn, BROOKS of Lewiston, CLOUTIER of Lewiston, CRAVEN of Lewiston, HANDY of Lewiston, MELARAGNO of Auburn, SHEATS of Auburn.

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

2 **Sec. 1. 20-A MRS §5001-A, sub-§1-A** is enacted to read:

3 **1-A. Attendance of persons 5 years of age or older and under 7 years of age.** A  
4 person 5 years of age or older and under 7 years of age who is enrolled in and who has  
5 not withdrawn from a public day school is required to attend that school during the time it  
6 is in session.

7 **Sec. 2. 20-A MRS §5001-A, sub-§3,** as amended by PL 2007, c. 111, §1, is  
8 further amended to read:

9 **3. Alternatives to attendance at public day school.** Alternatives to attendance at  
10 public day school are as follows. A person 5 years of age or older and under 7 years of  
11 age is not required to meet the requirements of this subsection.

12 A. Equivalent instruction alternatives are as follows.

13 (1) A person is excused from attending a public day school if the person obtains  
14 equivalent instruction in:

15 (a) A private school approved for attendance purposes pursuant to section  
16 2901;

17 (b) A private school recognized by the department as providing equivalent  
18 instruction;

19 (c-1) A home instruction program that complies with the requirements of  
20 subparagraph (4); or

21 (d) Any other manner arranged for by the school board and approved by the  
22 commissioner.

23 (2) A student is credited with attendance at a private school only if a certificate  
24 showing the name, residence and attendance of the person at the school, signed  
25 by the person or persons in charge of the school, has been filed with the school  
26 officials of the administrative unit in which the student resides.

27 (4) The following provisions govern a home instruction program.

28 (a) The student's parent or guardian shall provide a written notice of intent to  
29 provide home instruction simultaneously to the school officials of the  
30 administrative unit in which the student resides and to the commissioner  
31 within 10 calendar days of the beginning of home instruction. The notice  
32 must contain the following information:

33 (i) The name, signature and address of the student's parent or guardian;

34 (ii) The name and age of the student;

35 (iii) The date the home instruction program will begin;

36 (iv) A statement of assurance that indicates the home instruction  
37 program will provide at least 175 days annually of instruction and will

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provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and

(v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

(i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational

1 Rights and Privacy Act of 1974, 20 United States Code, Section 1232g  
2 (2002); and the federal Education for All Handicapped Children Act of 1975,  
3 20 United States Code, Sections 1401 to 1487 (2002), except that "directory  
4 information," as defined by the federal Family Educational Rights and  
5 Privacy Act of 1974, is confidential and is not subject to public disclosure  
6 unless the parent or guardian specifically permits disclosure in writing or a  
7 judge orders otherwise. Copies of the information filed under this  
8 subparagraph must be maintained by the student's parent or guardian until the  
9 home instruction program concludes. The records must be made available to  
10 the commissioner upon request.

11 (d) If the home instruction program is discontinued, students of compulsory  
12 school age must be enrolled in a public school or an equivalent instruction  
13 alternative as provided for in this paragraph. The receiving school shall  
14 determine the placement of the student. At the secondary level, the principal  
15 of the receiving school shall determine the value of the prior educational  
16 experience toward meeting the standards of the system of learning results as  
17 established in section 6209.

18 B. A person may be excused from attendance at a public day school pursuant to  
19 section 5104-A or section 8605.

20 **Sec. 3. 20-A MRSA §5051-A, sub-§1, ¶B**, as amended by PL 2007, c. 304, §5,  
21 is further amended to read:

22 B. Has completed grade 6 and has the equivalent of 10 full days of unexcused  
23 absences or 7 consecutive school days of unexcused absences during a school year; ~~or~~

24 **Sec. 4. 20-A MRSA §5051-A, sub-§1, ¶C**, as enacted by PL 2007, c. 304, §5, is  
25 amended to read:

26 C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of  
27 7 full days of unexcused absences or 5 consecutive school days of unexcused  
28 absences during a school year; or

29 **Sec. 5. 20-A MRSA §5051-A, sub-§1, ¶D** is enacted to read:

30 D. Is enrolled in a public day school, is at least 5 years of age and has not completed  
31 grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive  
32 school days of unexcused absences during a school year.

### 33 SUMMARY

34 This bill provides that unless a person 5 years of age or older and under 7 years of  
35 age who is enrolled in a public day school withdraws from the school, the person is  
36 required to attend the school during the time it is in session. It provides that students who  
37 are at least 5 years of age and have not completed grade 6 and are enrolled in a public day  
38 school are subject to the same provisions regarding truancy as students who are at least 7  
39 years of age and have not completed grade 6 who are required to attend a public day  
40 school. It provides that a person 5 years of age or older and under 7 years of age is not

1 required to meet the alternatives to attendance requirements set forth in the Maine  
2 Revised Statutes, Title 20-A, section 5001-A, subsection 3.