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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 473, L.D. 1503, Bill, “An Act To Promote School Attendance and Increase School Achievement”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 4 MRSA §152, sub-§4, as corrected by RR 2001, c. 2, Pt. A, §2, is amended to read:

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter 4, mental retardation certification hearings under Title 34-B, chapter 5, ~~habitual~~ truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted and small claims actions under Title 14, chapter 738;

Sec. 2. 20-A MRSA §1, sub-§2-A, ¶C, as enacted by PL 2007, c. 667, §3, is amended to read:

C. Is ~~habitually~~ truant; or

Sec. 3. 20-A MRSA §1001, sub-§8-A is enacted to read:

8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

A. Before a hearing on the expulsion, the superintendent shall:

(1) Provide written notice to the parents and the student of:

(a) The date, time and location of the hearing;

(b) A description of the incident or incidents that occasioned the expulsion hearing;

(c) The student's and parents' right to review the school records prior to the hearing;

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- 1 (d) A description of the hearing process; and
2 (e) An explanation of the consequences of an expulsion; and
3 (2) Invite the parents and student to a meeting prior to the expulsion hearing to
4 discuss the procedures of the hearing.

5 **B. At a hearing on the expulsion:**

- 6 (1) The student has the right to present and cross-examine witnesses;
7 (2) The student has the right to an attorney or other representation; and
8 (3) Witnesses must be sworn in and the chair of the hearing has the authority to
9 swear in witnesses.

10 C. After a hearing on the expulsion, the school board shall provide written notice of
11 its decision to the parents and the student by certified mail. The notice of the school
12 board's written decision may include a reentry plan developed in accordance with
13 subsection 9-C.

14 **Sec. 4. 20-A MRSA §1001, sub-§9**, as amended by PL 1997, c. 298, §1, is
15 further amended to read:

16 **9. Students expelled or suspended.** Following a proper investigation of a student's
17 behavior and due process proceedings pursuant to subsection 8-A, if found necessary for
18 the peace and usefulness of the school, ~~they~~ a school board shall expel any student:

- 19 A. Who is deliberately disobedient or deliberately disorderly;
20 B. For infractions of violence;
21 C. Who possesses on school property a firearm as defined in Title 17-A, section 2,
22 subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2,
23 subsection 9 without permission of a school official;
24 D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2,
25 subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies
26 use of a weapon with a threat to cause injury; or
27 E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title
28 17-A, chapter 45.

29 A student may be readmitted on satisfactory evidence that the behavior that was the cause
30 of the student being expelled will not likely recur. The school board may authorize the
31 principal to suspend students up to a maximum of 10 days for infractions of school rules.
32 In addition to other powers and duties under this subsection, the school board may
33 develop a policy requiring a student who is in violation of school substance abuse or
34 possession rules to participate in substance abuse services as provided in section 6606.
35 Nothing in this subsection or subsection 9-C prevents a school board from providing
36 educational services in an alternative setting to a student who has been expelled.

37 **Sec. 5. 20-A MRSA §1001, sub-§9-C** is enacted to read:

1 **9-C. Reentry for students after expulsion.** Upon making a decision to expel a
2 student in accordance with procedures set forth in subsections 8-A and 9, a school board
3 may exercise one of the following options in expelling a student:

4 A. The school board may expel the student for a specific period of time not to exceed
5 the total number of instructional days approved by the school board for the current
6 school year; or

7 B. The school board may expel the student for an unspecified period of time and
8 authorize the superintendent to provide the expelled student with a reentry plan that
9 specifies the conditions that must be met in order for the student to be readmitted to
10 school after the expulsion. If a school board authorizes the superintendent to provide
11 the expelled student with a reentry plan, the school board shall ensure that the student
12 who has been expelled is provided with a reentry plan in accordance with this
13 paragraph.

14 (1) The reentry plan must be developed by the superintendent or the
15 superintendent's designee in consultation with the student and the student's
16 parents to provide guidance that helps the student understand what the student
17 must do to establish satisfactory evidence that the behavior that resulted in the
18 expulsion will not likely recur.

19 (2) The superintendent or the superintendent's designee shall send a certified
20 letter, return receipt requested, or hand deliver a letter to the parents of the
21 expelled student giving notice of the date, time and location of a meeting to
22 develop a reentry plan for the student.

23 (3) If the student and the student's parents do not attend the meeting under
24 subparagraph (2), the reentry plan must be developed by school staff.

25 (4) The reentry plan must be provided to the parents and the student in writing.

26 (5) The superintendent shall designate a school employee to review the student's
27 progress with the reentry plan at intervals of one month, 3 months and 6 months
28 after the meeting and at other times as determined necessary by the designated
29 school employee.

30 (6) The reentry plan may require the student to take reasonable measures
31 determined by the superintendent to be helpful to establish the student's readiness
32 to return to school. Professional services determined to be necessary by the
33 superintendent must be provided at the expense of the student and the student's
34 parents.

35 (7) The superintendent may, as appropriate, notify an individualized education
36 program team for a child with a disability who has been expelled by a school
37 board.

38 (8) The superintendent shall annually report data on the number of students who
39 are expelled from school and the number of students who are readmitted to
40 school after expulsion to the commissioner's consultant on truancy, dropouts and
41 alternative education under section 5151.

1 **Sec. 6. 20-A MRSA §1001, sub-§9-D** is enacted to read:

2 **9-D. Professional services after expulsion for a child with a disability.** Nothing
3 in subsection 9-C may be interpreted to require payment from the parents of an expelled
4 student for professional services determined by the superintendent to be necessary to
5 establish the student's readiness to return to school if:

6 A. The student is a child with a disability who has been determined to be eligible for
7 a free, appropriate public education in accordance with 34 Code of Federal
8 Regulations, Section 300.530, Paragraph (d); or

9 B. The school administrative unit did not have knowledge that the student was a
10 child with a disability prior to taking disciplinary measures against the student and,
11 based on a subsequent evaluation, the student is determined to be a child with a
12 disability who is eligible for a free, appropriate public education in accordance with
13 34 Code of Federal Regulations, Section 300.534, Paragraph (d).

14 **Sec. 7. 20-A MRSA §1001, sub-§15-A** is enacted to read:

15 **15-A. School disciplinary policies.** When revising the prescribed consequences for
16 violation of the student code of conduct pursuant to subsection 15, paragraph C, a school
17 board shall consider districtwide disciplinary policies that:

18 A. Focus on positive interventions and expectations and avoid focusing exclusively
19 on unacceptable student behavior. For the purpose of this subsection, "positive
20 interventions" means instructional and environmental supports that are designed to
21 teach students prosocial alternatives to problem behaviors with high rates of positive
22 feedback;

23 B. Focus on positive and restorative interventions that are consistent with
24 evidence-based practices rather than set punishments for specific behavior and avoid
25 so-called zero-tolerance practices unless specifically required by federal or state laws,
26 rules or regulations. For the purpose of this paragraph, "restorative interventions"
27 means school practices that are designed to strengthen relationships, improve the
28 connection to school and promote a strong sense of accountability and that help
29 students learn from their mistakes, understand the impact of their actions on others
30 and find opportunities to repair the harm they have caused through their misbehavior;

31 C. Allow administrators to use their discretion to fashion appropriate discipline that
32 examines the circumstances pertinent to the case at hand; and

33 D. Provide written notice to the parents of a student when a student is suspended
34 from school, regardless of whether the suspension is an in-school or out-of-school
35 suspension.

36 The school board shall ensure that administrators inform students, parents and school
37 personnel of the districtwide school disciplinary policies.

38 **Sec. 8. 20-A MRSA §3271, sub-§3, ¶C**, as enacted by PL 1985, c. 490, §8, is
39 amended to read:

40 C. A person who has been adjudged ~~an habitual~~ a truant and has been excused from
41 attendance pursuant to procedures established by the commissioner.

1 **Sec. 9. 20-A MRSA §3272, sub-§1**, as enacted by PL 1985, c. 490, §8, is
2 repealed.

3 **Sec. 10. 20-A MRSA §3272, sub-§2**, as repealed and replaced by PL 2007, c.
4 304, §1, is amended to read:

5 **2. Truancy.** A person is ~~habitually~~ truant if:

6 A. The person is required to attend school or alternative instruction and has
7 completed grade 6 under this chapter and has the equivalent of 10 full days of
8 unexcused absences or 7 consecutive school days of unexcused absences during a
9 school year; or

10 B. The person is required to attend school or alternative instruction and is at least 7
11 years of age and has not completed grade 6 under this chapter and has the equivalent
12 of 7 full days of unexcused absences or 5 consecutive school days of unexcused
13 absences during a school year.

14 **Sec. 11. 20-A MRSA §3273, sub-§1**, as repealed and replaced by PL 2007, c.
15 304, §3, is amended to read:

16 **1. Civil violations.** A parent who has control of a person who is ~~habitually~~
17 under section 3272, subsection 2 and who is primarily responsible for that person's
18 truancy commits a civil violation under this chapter.

19 **Sec. 12. 20-A MRSA §5001-A, sub-§1**, as enacted by PL 1983, c. 806, §49, is
20 amended to read:

21 **1. Requirement.** Persons ~~7~~ 6 years of age or older and under ~~17~~ 18 years of age
22 shall attend a public day school during the time it is in regular session through high
23 school graduation or equivalency.

24 **Sec. 13. 20-A MRSA §5001-A, sub-§2**, as amended by PL 2009, c. 330, §§1 to
25 3, is further amended to read:

26 **2. Exceptions.** Attendance at school ~~shall~~ may not be required of ~~the following~~:

27 A. ~~A person who graduates from high school before that person's 17th birthday;~~

28 B. A person who has met each of the following requirements:

29 (1) Reached ~~the age of 15~~ 16 years ~~or completed the 9th grade of age~~;

30 (2) ~~Permission~~ Obtained permission to leave school from that person's parent;

31 (3) Been approved by the principal for a suitable program of work and study or
32 training;

33 (3-A) Has met with the superintendent or the superintendent's designee to
34 discuss the decision to withdraw from school;

35 (4) ~~Permission~~ Obtained permission to leave school from the school board or its
36 designee; and

37 (5) Agreed in writing with that person's parent and the school board or its
38 designee to meet annually until that person's ~~17th~~ 18th birthday to review that

1 person's educational needs. When the request to be excused from school has been
2 denied pursuant to this paragraph, the student's parent may appeal to the
3 commissioner;

4 D. A person who has matriculated and is attending an accredited, ~~post-secondary~~
5 postsecondary, degree-granting institution as a full-time student. An exception to
6 attendance in public school under this paragraph must be approved by the
7 commissioner; or

8 E. A person enrolled in an online learning program or course.

9 **Sec. 14. 20-A MRSA §5001-A, sub-§2-A** is enacted to read:

10 **2-A. Students 18 years of age or older who have not graduated.** A student who is
11 18 years of age or older who has not graduated from high school or obtained a high
12 school equivalency diploma and who wishes to withdraw from school shall meet with the
13 superintendent or the superintendent's designee to discuss the decision to withdraw from
14 school.

15 **Sec. 15. 20-A MRSA §5031, sub-§1**, as enacted by PL 2009, c. 626, §1, is
16 amended to read:

17 **1. Goal.** It is the goal of the State to achieve a graduation rate of 90% by the end of
18 the 2015-2016 school year for each publicly supported secondary school. In addition to
19 calculating the 4-year adjusted cohort graduation rate following the procedures outlined
20 in 34 Code of Federal Regulations, Section 200.19, the department shall also calculate
21 and record for each publicly supported secondary school:

22 A. Beginning with the graduation rate reported for school year 2011-2012 and for
23 each school year thereafter, the 5-year adjusted cohort graduation rate;

24 B. Beginning with the graduation rate reported for school year 2012-2013 and for
25 each school year thereafter, the 6-year adjusted cohort graduation rate; and

26 C. Beginning with the graduation rate reported for school year 2011-2012 and for
27 each school year thereafter, other descriptors of academic success for school-age
28 students on a statewide aggregate basis, including the rates of attainment of a:

29 (1) Department of Education diploma as described under section 5161;

30 (2) High school equivalency diploma as described under section 257; and

31 (3) High school equivalency diploma obtained through a high school completion
32 course that includes general educational development preparation courses from
33 an adult education program as described in chapter 315.

34 The department shall adopt rules specifying that the methods used to calculate publicly
35 supported secondary school graduation rates through the 2015-2016 school year must
36 include calculations for 5-year and 6-year adjusted cohort graduation rates under
37 paragraphs A and B and other descriptors of academic success under paragraph C.

38 **Sec. 16. 20-A MRSA §5051-A**, as amended by PL 2007, c. 304, §§5 to 7, is
39 further amended to read:

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§5051-A. Truancy

1. Truant. A student is ~~habitually~~ truant if the student is subject to section 5001-A and:

B. 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

C. Is at least ~~7~~ 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.

2. Procedures; written notice; referral. This subsection governs the procedure to be followed when a student is ~~habitually~~ truant.

~~A. If a principal of a public school and the attendance coordinator determine that a student is habitually truant, the principal shall inform the superintendent. The superintendent or the superintendent's designee shall first try to correct the problem informally. Informal attempts to correct the problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and develop a plan to implement solutions to the problem. If an initial meeting does not resolve the problem, the superintendent or superintendent's designee shall implement interventions that best address the problem. The interventions may include, but are 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) Evaluation for alternative education programs;~~
- ~~(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.~~

~~Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing a plan to address the student's habitual truancy.~~

A-1. The principal, upon determining that a student is truant under subsection 1, shall notify the superintendent of the student's truancy within 5 school days of the last unexcused absence.

1 A-2. A student who is determined truant under subsection 1 must be referred to the
2 school's student assistance team or the school personnel designated by the
3 superintendent in accordance with the school administrative unit's intervention
4 system under section 4710 to determine the cause of the truancy and assess the effect
5 of the student's absences, as well as any future absences for the student. If it is
6 determined that a negative effect exists, the student assistance team or the school
7 personnel designated by the superintendent in accordance with the school
8 administrative unit's intervention system under section 4710 shall develop an
9 intervention plan to address the student's absences and the negative effect of these
10 absences. An intervention plan may include, but is not limited to:

- 11 (1) Frequent communication between the teacher and the family;
- 12 (2) Changes in the learning environment;
- 13 (3) Mentoring;
- 14 (4) Student counseling;
- 15 (5) Tutoring, including peer tutoring;
- 16 (6) Placement into different classes;
- 17 (7) Consideration of multiple pathways as described under section 4703;
- 18 (8) Attendance contracts;
- 19 (9) Referral to other agencies for family services; and
- 20 (10) Other interventions, including, but not limited to, referral to the school
21 attendance coordinator, student assistance team or dropout prevention committee.

22 Failure of the student or the student's parents to appear at scheduled meetings does
23 not preclude the school administrators from implementing an intervention plan to
24 address the student's truancy.

25 ~~B. As part of correcting the problem informally, the superintendent or~~
26 ~~superintendent's designee shall require the student and the student's parents to attend~~
27 ~~one or more meetings with the student's teacher or other school personnel designated~~
28 ~~by the superintendent. The purpose of the meetings is to reinforce the plan developed~~
29 ~~in paragraph A or to develop an alternative plan. The meeting or meetings may~~
30 ~~involve the presence of others, including, but not limited to, case managers,~~
31 ~~therapeutic treatment providers and representatives of the Department of Human~~
32 ~~Services, the Department of Behavioral and Developmental Services and the~~
33 ~~Department of Corrections. The superintendent or superintendent's designee shall~~
34 ~~arrange mutually convenient meeting times.~~

35 B-1. The superintendent shall develop procedures to refer a student who is truant to
36 the student assistance team or the school personnel designated by the superintendent
37 in accordance with the school administrative unit's intervention system under section
38 4710 in accordance with this section. These procedures may include, but are not
39 limited to:

1 (1) Identifying school personnel responsible for notifying the student assistance
2 team or the school personnel designated by the superintendent in accordance with
3 the school administrative unit's intervention system when a student is truant;

4 (2) A process for referral of a student who is truant, including identifying school
5 personnel responsible for inviting the parents and the student to participate in any
6 meeting that results from this referral;

7 (3) A timeline for setting up a meeting and developing an intervention plan
8 under paragraph A-2;

9 (4) A plan for dealing with future absences of a student who is truant; and

10 (5) A plan for reporting of the results of the intervention plan developed pursuant
11 to paragraph A-2.

12 C. If the ~~superintendent or superintendent's designee~~ intervention plan developed
13 pursuant to paragraph A-2 is unable to correct the truancy of the child, the
14 ~~superintendent or superintendent's designee~~ shall serve or cause to be served upon the
15 parent in hand or by registered mail a written notice that attendance of the child at
16 school is required by law. The notice must:

17 (1) State that the student is required to attend school pursuant to section 5001-A;

18 (2) Explain the parent's right to inspect the student's attendance records,
19 attendance coordinator's reports and principal's reports;

20 (3) Explain that the failure to send the student to school and maintain the student
21 in regular attendance is a civil violation in accordance with section 5053-A and
22 ~~explain the possible penalties~~ will jeopardize the student's status in the grade that
23 the student is in;

24 (4) State that the superintendent ~~or the superintendent's designee~~ may notify the
25 local law enforcement department of a violation of ~~this statute~~ section 5053-A
26 and the Department of Health and Human Services of a violation under
27 subsection 1, paragraph C; and

28 (5) Outline the plan developed to address the student's ~~habitual~~ truancy and the
29 steps that have been taken to implement that plan.

30 D. Prior to notifying the local law enforcement department under paragraph E, the
31 ~~superintendent or superintendent's designee~~ shall schedule at least one meeting as
32 required in paragraph ~~B~~ B-1 and may invite a local prosecutor.

33 E. If, after 3 school days after service of the notice referred to in paragraph C, the
34 student remains truant and the parent and student refuse to attend the meeting
35 scheduled according to paragraph D, the superintendent ~~or superintendent's designee~~
36 shall report the facts of the unlawful absence to the local law enforcement
37 department, which may proceed with an action to enforce section 5053-A against the
38 parent unless the student is at once placed in an appropriate school or otherwise
39 meets the requirements under section 5001-A.

1 F. When a student is determined ~~habitually to be~~ truant and in violation of section
2 5001-A and the student assistance team or the school personnel designated by the
3 superintendent in accordance with the school administrative unit's intervention
4 system under section 4710 and the superintendent ~~or superintendent's designee has~~
5 have made a good faith attempt to meet the requirements of paragraph ~~B~~ B-1, the
6 superintendent ~~or superintendent's designee~~ shall notify the school board ~~and the local~~
7 ~~law enforcement department~~ of the student's truancy. ~~After this notification, a local~~
8 ~~law enforcement officer who sees the truant student may transport the truant student~~
9 ~~to the appropriate school if the truant student:~~

10 (1) ~~Is off school grounds during school hours; and~~

11 (2) ~~Is not under the supervision of school personnel.~~

12 **3. Reports.** This subsection applies to reports of ~~habitual~~ truancy.

13 A. A superintendent shall submit an annual report to the commissioner before
14 October 1st. The report must:

15 (1) Identify the number of ~~habitual~~ truants in the school administrative unit in the
16 preceding school year;

17 (2) Describe the unit's efforts to deal with ~~habitual~~ truancy;

18 (3) Account for actions brought under this section including the number of
19 truants reported to the student assistance team or the school personnel designated
20 by the superintendent in accordance with the school administrative unit's
21 intervention system under section 4710; and

22 (4) Include any other information on truancy requested by the commissioner.

23 B. The commissioner shall submit an annual report to the Governor and the
24 Legislature before January 15th. The report must aggregate the information provided
25 by superintendents under paragraph A and must evaluate the effect of state laws on
26 the incidence of truancy.

27 **Sec. 17. 20-A MRSA §5052-A**, as amended by PL 2007, c. 143, §1, is further
28 amended to read:

29 **§5052-A. Attendance coordinators**

30 The following provisions apply to attendance coordinators.

31 **1. Appointment.** The following provisions apply to the ~~election~~ appointment of
32 attendance coordinators.

33 A. A ~~school board~~ superintendent shall ~~elect~~ appoint an attendance coordinator or
34 coordinators.

35 B. Vacancies ~~shall~~ must be filled as they occur.

36 **2. Qualifications.** An attendance coordinator ~~shall~~ must be a professionally certified
37 or registered person in the mental health, social welfare or educational system who is
38 qualified to carry out the duties in accordance with rules to be established by the State
39 Board of Education.

1 **3. Duties.** The duties of an attendance coordinator include, but are not limited to, the
2 following:

3 A. ~~When notified by a principal that a student's attendance is irregular, interviewing~~
4 ~~the student and the parent or parents or guardian or guardians~~ Interviewing a student
5 whose attendance is irregular and meeting with the student and the parents to
6 determine the cause of the irregular attendance and ~~file~~ filing a written report with the
7 principal;

8 B. Filing an annual report with the superintendent summarizing school year
9 activities, findings and recommendations regarding truants;

10 C. Serving as a member of the dropout prevention committee in accordance with
11 section 5103; and

12 D. Serving as the liaison between the school and the local law enforcement agency in
13 matters pertaining to student absenteeism under ~~sections~~ section 5001-A ~~and 5051-A~~.

14 **4. Department assistance.** The department shall provide technical assistance to
15 school attendance coordinators for carrying out these duties, through the Office of
16 Truancy, Dropout Prevention and Alternative Education.

17 **Sec. 18. 20-A MRSA §5053-A, sub-§1**, as amended by PL 2007, c. 304, §8, is
18 further amended to read:

19 **1. Civil violation.** If a parent has control of a student who is ~~habitually~~ truant under
20 section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that
21 parent commits a civil violation for which a fine of not more than \$250 may be adjudged,
22 all or part of which may be suspended upon the parent's compliance with a court order
23 under subsection 2.

24 **Sec. 19. 20-A MRSA §5053-A, sub-§2**, as enacted by PL 2003, c. 533, §5, is
25 amended to read:

26 **2. Dispositions.** The court may also order a parent adjudicated as violating
27 subsection 1 to take specific action to ensure the child's attendance at school; comply with
28 the intervention plan developed in accordance with section 5051-A, subsection 2,
29 paragraph ~~A~~ A-2; participate in a parent-training class; attend school with the child;
30 perform community service hours at the school; or participate in counseling or other
31 services as appropriate.

32 **Sec. 20. 20-A MRSA §5053-A, sub-§4**, as amended by PL 2007, c. 304, §9, is
33 further amended to read:

34 **4. Prima facie proof.** Evidence that shows that the parent received the notice under
35 section 5051-A, subsection 2 and that the child has accumulated ~~7~~ 10 cumulative full
36 days of absences or 5 consecutive school days of absences that are not justified under the
37 established attendance policies of the school administrative unit is prima facie proof that
38 the parent is primarily responsible for the child's ~~habitual~~ truancy or the parent failed to
39 take corrective measures for the child's ~~habitual~~ truancy.

40 **Sec. 21. 20-A MRSA §5054**, as enacted by PL 1989, c. 415, §26, is amended to
41 read:

1 **§5054. Employment of truants prohibited**

2 Any firm or corporation, or agent or manager of any firm or corporation, who hires or
3 otherwise engages any student who is ~~habitually~~ truant as defined in this subchapter
4 without a release from the student's supervising superintendent of schools ~~shall be~~ is
5 subject to the penalty provided in Title 26, section 781.

6 **Sec. 22. 20-A MRSA §5103, sub-§5, ¶A**, as amended by PL 2007, c. 667, §7, is
7 further amended to read:

8 A. The dropout prevention committee shall:

9 (1) Study the problem of dropouts and ~~habitual~~ truancy and the need for
10 alternative education programs, kindergarten to grade 12;

11 (2) Make recommendations for addressing the problems; and

12 (3) Submit a plan of action to the school board, in accordance with section 4502,
13 subsection 5, paragraph L-1.

14 **Sec. 23. 20-A MRSA §5151, sub-§2, ¶J**, as enacted by PL 1985, c. 774, §5, is
15 amended to read:

16 J. Collect data on the scope of the dropout and truancy problem in the State,
17 including data on the number of students who are expelled from school and the
18 number who are readmitted to school after expulsion;

19 **Sec. 24. 26 MRSA §775, sub-§2, ¶A**, as enacted by PL 1991, c. 544, §5, is
20 amended to read:

21 A. If the school is in session or the minor is attending summer school, the minor
22 must be enrolled in school, not ~~habitually~~ truant, not under suspension and passing a
23 majority of courses during the current grading period. Upon request of the minor, the
24 superintendent may waive the requirements for one grading period if, in the opinion
25 of the superintendent, there are extenuating circumstances or if imposing the
26 requirements would create an undue hardship for the minor;

27 **Sec. 25. 30-A MRSA §451, sub-§9, ¶A**, as enacted by PL 1987, c. 737, Pt. A, §2
28 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
29 further amended to read:

30 A. Is ~~habitually~~ truant;

31 **Sec. 26. Maine Revised Statutes headnote amended; revision clause.** In
32 the Maine Revised Statutes, Title 20-A, chapter 211, subchapter 2, in the subchapter
33 headnote, the words "habitual truants" are amended to read "truants" and the Revisor of
34 Statutes shall implement this revision when updating, publishing or republishing the
35 statutes.'

36 **SUMMARY**

37 This amendment strikes and replaces the bill to make the following changes to the
38 bill.

1 1. It strikes the definition of "response to intervention team" and all uses of the term
2 from the bill and replaces it with references to a student assistance team or the school
3 personnel designated by the superintendent in accordance with the system of intervention
4 established by the school administrative unit in accordance with the Maine Revised
5 Statutes, Title 20-A, section 4710.

6 2. It amends the due process standards proposed for school expulsion proceedings by
7 removing the provisions pertaining to a student's right to appeal the decision of the school
8 board to the Superior Court within 30 days.

9 3. It amends provisions regarding school boards' adopting disciplinary policies
10 required in current law to require that, in revising the prescribed consequences for
11 violation of the student code of conduct pursuant to the Maine Revised Statutes, Title
12 20-A, section 1001, subsection 15, paragraph C, a school board consider certain factors in
13 revising the districtwide disciplinary policies that are required by current law.

14 4. It amends the provision that requires a reentry plan to be developed for a student
15 who has been expelled by a school board. The amendment provides that a school board
16 may expel the student for a specific time period not to exceed the total number of
17 instructional days approved by the school board for the current school year or the school
18 board may expel the student and authorize the superintendent to provide the expelled
19 student with a reentry plan that does not specify the length of the expulsion, but instead
20 specifies the conditions that must be met in order for the student to be readmitted to
21 school after the expulsion. The amendment provides that, in addition to the requirements
22 retained from the bill, if a school board authorizes the superintendent to provide the
23 expelled student with a reentry plan, the school board shall provide that:

24 A. The reentry plan may require the expelled student to take reasonable measures
25 determined by the superintendent to be helpful to establish the student's readiness to
26 return to school;

27 B. The expelled student's parents are responsible for the cost of any professional
28 services necessary to establish the student's readiness to return to school under the
29 reentry plan, except for the costs of a child with a disability that is, or is subsequently
30 determined to be, eligible for a free and appropriate public education in accordance
31 with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534,
32 Paragraph (d); and

33 C. For a child with a disability who is expelled by a school board, the superintendent
34 may, as appropriate, notify the student's individualized education program team.

35 5. It strikes the provision that requires a school board to use suspensions and
36 expulsions only as a last resort when taking disciplinary action against a student who has
37 violated the school administrative unit's student code of conduct.

38 6. It amends the changes to the compulsory school attendance statutes by reducing
39 the age threshold under which a child who has not attained high school graduation or
40 equivalency is expected to attend secondary school from 20 years of age, as in the bill, to
41 18 years of age. The amendment also makes technical changes to align the changes to the
42 age requirements with the exceptions to the compulsory school attendance requirements.

43 7. It amends the changes to exceptions to the compulsory attendance statutes by
44 clarifying that a student may be excused from compulsory school attendance when each

1 of the requirements under Title 20-A, section 5001-A, subsection 2, paragraph B are met.
2 The amendment also retains the exception to the compulsory attendance statutes that
3 provides that one of the requirements that must be met for an exception is that the person
4 has been approved by the principal for a suitable program of work and study or training.

5 8. It strikes the proposed changes to the truancy laws that would have counted
6 excused absences, as well as unexcused absences, towards the number of days of
7 absences that would determine when a student is truant.

8 9. It strikes procedural provisions proposed in the bill and makes technical changes
9 to clarify the role of superintendents, principals, attendance coordinators and the student
10 assistance team or other systems of intervention established by the school administrative
11 unit pertaining to assessing situations of student truancy and developing and
12 implementing intervention plans for truant students.

13 10. It strikes the provisions in the bill pertaining to the qualifications of school
14 attendance coordinators and the provisions that propose to establish that the salary costs
15 of attendance coordinators are eligible for state subsidy under the Essential Programs and
16 Services Funding Act.

17 **FISCAL NOTE REQUIRED**

18
19 **(See attached)**
20