



Truancy

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What are the basic rules in Maine?

Children and teenagers between 7 and 16 years old must go to school. This means your child cannot drop out before he is 17 years old. Until then your child is **compulsory school age**.

If your child is at least 7 years old and has not finished 6th grade, he is **habitually truant** if he misses:

- 5 school days in a row or
- 7 school days in one school year

If your child has finished 6th grade and is not 17 years old, he is **habitually truant** after missing:

- 7 school days in a row or
- 10 school days in one school year

Excused absences do not count. But, if your child misses ½ a day or more and it is unexcused, it counts.

An **excused absence** is when your child misses school because of:

- illness
- a medical appointment with prior approval from the school
- observing a recognized religious holiday with prior approval from the school
- a family emergency or
- a planned absence for a personal or educational purpose that has been approved by the school

Whose responsibility is it to get my child to school?

The adult a child lives with is responsible for making sure that child goes to school. So if your child lives with you, this means you! If you don't make sure your child attends school regularly, you may be brought to court on a civil violation. The school must follow certain procedures first. We will explain those rules here.

What are the school's responsibilities?

Maine schools must try to work with parents or legal guardians and students to get students to attend school regularly.

There is no such thing as a truancy officer in Maine. Instead, your school should have an **attendance coordinator** who will investigate and determine why your child is truant. As part of the investigation, the attendance coordinator should interview you and your child. After the investigation, the attendance coordinator will write a report and give it to the principal. You have a right to get a copy of that report. An attendance coordinator should be professionally certified or registered in mental health, social welfare or education.

The school should also have **procedures** for helping students to attend school regularly.

If a principal and attendance coordinator determine that your child is **habitually**



truant, the principal must notify the superintendent.

The superintendent must try to address the problem informally by having a meeting with you and your child. The point of the meeting is to figure out why your child is absent and develop a plan to address those reasons.

If this first meeting does not work or if you do not go to that meeting, the school must develop and implement interventions that will best address your child's truancy. These interventions may include:

- ✓ Frequent communication between teacher and family
- ✓ Changes in learning environment
- ✓ Mentoring
- ✓ Student counseling
- ✓ Tutoring (including peer tutoring)
- ✓ Placement in different classes
- ✓ Evaluation for alternative education program
- ✓ Attendance contracts
- ✓ Referral to other agencies for family services
- ✓ Referral to the school's attendance coordinator
- ✓ Referral to the school's student assistance team
- ✓ Referral to the school's drop-out prevention committee

If your child is still truant, there should be a second meeting. This meeting will review the plan and may write a new plan. These meetings can be interdisciplinary. This means that staff from other agencies, such as DHHS, Department of Corrections, counselors, and case managers, can go to the meeting to help develop a plan that is appropriate for your child. The school can also ask the local district attorney to go to

this meeting. This meeting must take place at a mutually convenient time.

If your child is still truant, the superintendent must serve you with a written notice. The notice must be given to you in person or sent by registered mail. The notice must say that:

- your child is required to attend school,
- you have a right to review your child's attendance records, and the school's attendance coordinator's and principal's reports,
- your failure to get your child to school may be a civil violation and what the possible penalties are,
- local law enforcement or Maine DHHS can be contacted, and
- a plan was developed—including the specifics of that plan and the steps that were implemented to improve your child's attendance.

After you get this notice, your child must go to school within 3 days. If your child is still absent, another meeting will be scheduled. If you and your child do not go to this meeting, the school can contact local law enforcement to either transport your child to school or refer your case to court.

What happens in court?

You may be summonsed to appear in District Court if:

1. your child lives with you,
2. you received written notice from the school about your child's truancy and the plan that was developed to correct it, and



3. your child has missed enough days in the school year to be **habitually truant**.

This is because you are responsible for making sure your child attends school.

You will not be charged with a crime, but you can be found to have committed a **civil violation**. If that happens, you can be:

- fined up to \$250
- ordered to take action that will make your child go to school
- ordered to go to a parent training class
- ordered to go to school with your child
- ordered to follow the school's plan
- ordered to perform community service at school

Defenses:

- You tried with reasonable diligence to get your child to school, or
- The school did not follow its duties to address your child's truancy

What can the police do?

Even though truancy is not criminal, a police officer may transport a truant student to school. This can happen if the truant student is off school grounds during school hours and is not under the supervision of school personnel.

What can the state (DHHS) do?

A new state law passed in 2007 says that when a child who is "at least 7 years of age and has not completed grade 6" is deprived of an education, DHHS can find that this child is in "jeopardy." This means that DHHS can investigate and bring a child

protective proceeding. It is unclear how DHHS is going to interpret this new law, and how they will define "deprived of an education." Because of the changes in the truancy law that separates younger students from older students, we believe the focus of this law is on younger children. This means children who are between 7 years old and those who have not finished 6th grade.

Can older students work if they are habitually truant?

A student who is **habitually truant** is prohibited from working. The only exception is if the superintendent gives a release that approves of your child's employment.

What is a Dropout Prevention Committee?

Schools should have a dropout prevention committee. Members should include:

- one school board member,
- a school administrator,
- a teacher
- a school counselor,
- a parent,
- a school attendance coordinator,
- a high school student,
- a dropout student, and
- a community resident

The purpose of this committee is to understand why students drop out and make recommendations to the school board for how to address the problem. The committee should explore the reasons why students drop out, the school's disciplinary policies, discriminatory practices and attitudes within school unit, and the need for alternative education.



Notice

KIDS LEGAL at Pine Tree Legal Assistance,
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