CHAPTER 211

ATTENDANCE

SUBCHAPTER 1

ATTENDANCE

§5001. Compulsory attendance

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 485, §22 (AMD). PL 1983, c. 806, §48 (RP).

§5001-A. Compulsory attendance

Attendance at school shall be required of persons in the State as follows. [PL 1983, c. 806, §49 (NEW).]

1. Requirement. Persons 6 years of age or older and under 17 years of age shall attend a public day school during the time it is in regular session.
[PL 2019, c. 508, §6 (AMD).]

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.
[PL 2019, c. 508, §7 (AMD).]

2. Exceptions. Attendance at school shall not be required of the following:

A. A person who graduates from high school before that person's 17th birthday; [PL 1983, c. 806, §49 (NEW).]

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 school board or its designee; and

(5) Agreed in writing with that person's parent and the school 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; [PL 2009, c. 330, §1 (AMD).]

C. [PL 2003, c. 688, Pt. H, §2 (RP); PL 2003, c. 688, Pt. H, §3 (AFF).]

D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or [PL 2009, c. 330, §2 (AMD).]

E. A person enrolled in an online learning program or course, unless the person is enrolled in a virtual public charter school as defined in section 2401, subsection 11. [PL 2015, c. 448, §9 (AMD).]

[PL 2015, c. 448, §9 (AMD).]

3. Alternatives to attendance at public day school. Alternatives to attendance at public day school are as follows. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. Equivalent instruction alternatives are as follows.

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

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

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

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

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

(2) A student is 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.

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

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

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

(ii) The name and age of the student;

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

(iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will 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 Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) 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 in this paragraph. 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 the system of learning results as established in section 6209. [PL 2019, c. 508, §8 (AMD).]

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605. [PL 1989, c. 415, §14 (AMD).]

C. [PL 1991, c. 622, Pt. G, §3 (RP); PL 1991, c. 622, Pt. G, §§4, 31, 33 (AFF).]
[PL 2019, c. 508, §8 (AMD).]

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

A. Personal illness; [PL 1983, c. 806, §49 (NEW).]

B. An appointment with a health professional that must be made during the regular school day; [PL 1983, c. 806, §49 (NEW).]

C. Observance of a recognized religious holiday when the observance is required during the regular school day; [PL 1983, c. 806, §49 (NEW).]

D. A family emergency; [PL 2007, c. 451, §3 (AMD).]

E. A planned absence for a personal or educational purpose that has been approved; or [PL 2007, c. 451, §4 (AMD).]

F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by either an individualized education plan or other education plan or a superintendent's agreement developed in accordance with section 5205, subsection 2. This paragraph 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. [PL 2007, c. 451, §5 (NEW).]

[PL 2007, c. 451, §§3-5 (AMD).]

5. Adult responsibility. An adult having a person of compulsory school age under that adult's control shall cause the person to attend school as provided in this section.

[PL 1989, c. 415, §15 (AMD).]

6. Noncompliance.

[PL 1989, c. 415, §16 (RP).]

7. Purpose. Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our society and our nation. Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry. Public schools should ensure the rights of access for all school-age persons to an appropriate educational opportunity and, when necessary, should develop alternatives to regular school curricula for those children and youth at risk of becoming dropouts and those who may have left school.

[PL 1989, c. 415, §17 (NEW).]

SECTION HISTORY

PL 1983, c. 806, §49 (NEW). PL 1983, c. 862, §56 (AMD). PL 1985, c. 123, §§1,2 (AMD). PL 1987, c. 114 (AMD). PL 1989, c. 415, §§13-17 (AMD). PL 1989, c. 537 (AMD). PL 1991, c. 602, §§1,2 (AMD). PL 1991, c. 602, §4 (AFF). PL 1991, c. 622, §G3 (AMD). PL 1991, c. 622, §§G4,31,33 (AFF). PL 1995, c. 610, §2 (AFF). PL 2003, c. 181, §1 (AMD). PL 2003, c. 533, §1 (AMD). PL 2003, c. 688, §§H1,2 (AMD). PL 2003, c. 688, §H3 (AFF). PL 2007, c. 111, §1 (AMD). PL 2007, c. 451, §§3-5 (AMD). PL 2009, c. 330, §§1-3 (AMD). PL 2015, c. 448, §9 (AMD). PL 2019, c. 235, §§4, 5 (AMD). PL 2019, c. 508, §§6-8 (AMD).

§5002. Alternate programs

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §50 (RPR). PL 1989, c. 415, §18 (RP).

§5003. Administration

1. School board's responsibility. School boards shall administer this chapter.

[PL 1983, c. 806, §51 (AMD).]

2. Rules. School boards shall adopt rules to carry out this chapter and shall file a copy with the commissioner.

[PL 1983, c. 806, §51 (AMD).]

3. Commissioner's responsibility. The commissioner shall guide school boards in adopting these rules.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §51 (AMD).

§5004. Work permits

Superintendents shall issue and revoke work permits for minor students as provided in Title 26, chapter 7. [PL 1991, c. 655, §5 (NEW).]

SECTION HISTORY

PL 1991, c. 655, §5 (NEW).

SUBCHAPTER 1-A

EQUIVALENT INSTRUCTION PROGRAMS

§5021. Standards for participation in public schools by students enrolled in equivalent instruction programs

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in a home instruction program under section 5001-A, subsection 3, paragraph A, subparagraph (4) for a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory. [PL 2005, c. 151, §1 (AMD).]

1. Participation in regular classes. A student receiving home instruction may enroll in specific day school classes at the appropriate public school if each of the following conditions is met.

A. The student or the student's parent or guardian, on the student's behalf, applies in writing to and receives written approval from the superintendent or the superintendent's designee. Approval may not be unreasonably withheld. [PL 1995, c. 610, §1 (NEW).]

B. The student can demonstrate prior satisfactory academic achievement consistent with school unit policy and procedures applicable to all students. [PL 1995, c. 610, §1 (NEW).]

C. The student shall comply with behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may withhold credit or terminate participation. [PL 1995, c. 610, §1 (NEW).]

D. Transportation must be provided by the parent or guardian or student. The student may use the same transportation as all other students in the school unit, as long as additional expenses are not incurred. [PL 1995, c. 610, §1 (NEW).]

E. The student shall complete all assignments and tests as required of all students in the class. [PL 1995, c. 610, §1 (NEW).]

F. A home-schooled student may audit a course in accordance with established local policy at the appropriate public school under the following conditions.

(1) The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the superintendent or the superintendent's designee to audit a specific course or courses. Participation may not be unreasonably withheld.

(2) The student agrees to meet established behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may terminate participation. [PL 1995, c. 610, §1 (NEW).]

[PL 1995, c. 610, §1 (NEW).]

2. Academic credit. A student receiving home-school instruction must receive academic credit subject to the following requirements.

A. Academic credit for individual courses must be awarded if the student meets required academic standards applicable to all students enrolled in the same course. [PL 1995, c. 610, §1 (NEW).]

B. Academic credit must be awarded for successful completion of alternative instruction opportunities sponsored by the school and available to all students. [PL 1995, c. 610, §1 (NEW).]
[PL 1995, c. 610, §1 (NEW).]

3. Special education services. A student receiving home-school instruction is eligible for special education services, as provided under federal regulations, in accordance with section 5001-A and relevant department procedures and standards.
[PL 1995, c. 610, §1 (NEW).]

4. Participation in cocurricular activities. A student receiving home-school instruction is eligible to participate in cocurricular activities sponsored by the local school unit provided the following requirements are met.

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. Participation may not be unreasonably withheld. [PL 1995, c. 610, §1 (NEW).]

B. The student agrees to meet established behavioral, disciplinary, attendance and other rules applicable to all students. [PL 1995, c. 610, §1 (NEW).]
[PL 1995, c. 610, §1 (NEW).]

5. Participation in extracurricular activities. Students receiving home-school instruction are eligible to try out for extracurricular activities sponsored by the local school unit, provided the student applies in writing, if the following requirements are satisfied.

A. The student agrees to abide by equivalent rules of participation as are applicable to regularly enrolled students participating in the activity and provides evidence that the rules of participation are being met. [PL 1995, c. 610, §1 (NEW).]

B. The student complies with the same physical examination, immunization, insurance, age and semester eligibility requirements as regularly enrolled students participating in the activity. All required documentation must be made available upon request by the school unit. [PL 1995, c. 610, §1 (NEW).]

C. The student meets equivalent academic standards as those established for regularly enrolled students participating in the activity and provides evidence that the academic standards are being met. [PL 1995, c. 610, §1 (NEW).]

D. The student abides by the same transportation policy as regularly enrolled students participating in the activity. [PL 1995, c. 610, §1 (NEW).]
[PL 1995, c. 610, §1 (NEW).]

6. Use of school facilities and equipment. A student receiving home-school instruction may use public school facilities and equipment on the same basis as regularly enrolled students if the following conditions are met:

A. Use does not disrupt regular school activities; [PL 1995, c. 610, §1 (NEW).]

B. Use is approved by the school principal in accordance with established school policy; [PL 1995, c. 610, §1 (NEW).]

C. Use does not create additional expense to the school unit; [PL 1995, c. 610, §1 (NEW).]

D. Use is directly related to the student's academic program; and [PL 1995, c. 610, §1 (NEW).]

E. Use of potentially hazardous areas, such as shops, laboratories and the gymnasium, is supervised by a qualified employee of the school administrative unit. [PL 1995, c. 610, §1 (NEW).]

[PL 1995, c. 610, §1 (NEW).]

7. Use of school textbooks and library books. Subject to availability, a student receiving home instruction may use school textbooks if the number of particular copies are sufficient and library books owned by the school unit subject to the following conditions:

A. Use does not disrupt regular student, staff or special program functions; [PL 1995, c. 610, §1 (NEW).]

B. The student's sign-out period for a library book is the same as that applicable to regularly enrolled students; [PL 1995, c. 610, §1 (NEW).]

C. The student may sign out a textbook for a period not to exceed one year; and [PL 1995, c. 610, §1 (NEW).]

D. The parent or guardian and student agree to reimburse the school unit for lost, unreturned or damaged library books and textbooks and for consumable supplies used. [PL 1995, c. 610, §1 (NEW).]

[PL 1995, c. 610, §1 (NEW).]

8. Reimbursement for students enrolled in equivalent instruction programs. A school administrative unit is entitled to receive state subsidy for any student who receives instruction through one or more on-site academic courses from a public school but is not a full-time student. A school administrative unit that sends any tuition student to another school administrative unit or to a private school approved pursuant to chapter 219 is also entitled to receive state subsidy under this subsection. The rate of reimbursement must be established in increments of 0.25 full-time equivalent status up to 1.0 full-time equivalent status based on the average amount of time per day that a student receives on-site academic services from a public school. School administrative units shall keep an accurate count of the number of students receiving on-site academic services and shall include the full-time equivalency status of these students in the annual count of students attending school in accordance with section 6004.

[PL 1999, c. 439, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 610, §1 (NEW). PL 1999, c. 439, §1 (AMD). PL 2003, c. 181, §2 (AMD). PL 2005, c. 151, §1 (AMD).

§5021-A. Standards for participation in public schools by students enrolled in equivalent instruction programs in private schools

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in an equivalent instruction program. For the purposes of this section, "student enrolled in an equivalent instruction program" means a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory, when the student is enrolled in an equivalent instruction program in a private school that is recognized as an equivalent instruction alternative under section 5001-A, subsection 3, paragraph A, subparagraph (1), division (b). [PL 2013, c. 428, §1 (AMD).]

1. Participation in cocurricular activities. A student enrolled in an equivalent instruction program is eligible to participate in cocurricular activities sponsored by the local school unit as long as the following requirements are met.

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. The principal or the principal's designee may withhold approval only if the school does not have the capacity to provide the student with the opportunity to participate in the cocurricular activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to

the student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. [PL 2013, c. 428, §2 (AMD).]

B. The student agrees to meet established behavioral, disciplinary, attendance and other rules applicable to all students. [PL 2011, c. 456, §1 (NEW).]

C. The private school the student attends does not provide the same cocurricular activity. [PL 2013, c. 428, §3 (NEW).]

[PL 2013, c. 428, §§2, 3 (AMD).]

2. Participation in extracurricular and interscholastic activities. A student enrolled in an equivalent instruction program is eligible to try out for extracurricular and interscholastic activities sponsored by the local school unit as long as the following requirements are satisfied.

A. The student applies for and receives written approval from the principal of the school or the principal's designee, who may withhold such approval only if the school does not have the capacity to provide the student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. [PL 2013, c. 428, §4 (AMD).]

B. The student agrees to abide by rules of participation equivalent to those applicable to regularly enrolled students participating in the activity and provides evidence that the rules of participation are being met. [PL 2011, c. 456, §1 (NEW).]

C. The student complies with the same physical examination, immunization, insurance, age and semester eligibility requirements as regularly enrolled students participating in the activity. All required documentation must be made available upon request by the local school unit. [PL 2011, c. 456, §1 (NEW).]

D. The student meets academic standards equivalent to those established for regularly enrolled students participating in the activity and provides evidence that the academic standards are being met. [PL 2011, c. 456, §1 (NEW).]

E. The student abides by the same transportation policy as regularly enrolled students participating in the activity. [PL 2011, c. 456, §1 (NEW).]

F. The private school the student attends does not provide the same extracurricular or interscholastic activity. [PL 2013, c. 428, §5 (NEW).]

[PL 2013, c. 428, §§4, 5 (AMD).]

SECTION HISTORY

PL 2011, c. 456, §1 (NEW). PL 2013, c. 428, §§1-5 (AMD).

§5022. Admission to regular program

1. Placement. A student who has been receiving home-school instruction and who seeks admission to the regular school program must be placed in a grade commensurate with the level of the student's academic achievement. Placement must be guided by the following.

A. Grade level placement is determined by the locally designated appropriate school staff, based upon but not limited to such factors as the student's completed curricula and record of achievement, conferencing with the student's parent or guardian and administration of tests, if determined necessary. [PL 1995, c. 610, §1 (NEW).]

B. The final grade level placement decision is based upon local school unit policy and procedures. That decision may be appealed to the school unit superintendent and, if desired, subsequently to the local school board, whose decision is final. [PL 1995, c. 610, §1 (NEW).]

[PL 1995, c. 610, §1 (NEW).]

2. High school course credits and diploma eligibility. The following standards govern the awarding of course credits and a graduation diploma to a student receiving home-school instruction who seeks admission to the public high school.

A. A student shall earn high school credits for satisfactory completion of courses in the public high school pursuant to section 5021, subsection 2, paragraph A. [PL 1995, c. 610, §1 (NEW).]

B. A student may earn credit for course work completed through home-school instruction if the principal determines both in advance and upon completion of the course that the course satisfies the requirements for awarding the credit. The principal may direct that the student undergo a test or tests to assist in making a determination relative to the awarding of credit. [PL 1995, c. 610, §1 (NEW).]

C. Requests for transfer credit for equivalent instruction completed at nonapproved private schools, at private schools that elect not to meet requirements under section 2901 or through other equivalent instruction programs must be evaluated on the merits of the documentation provided. The principal and guidance staff shall conduct these evaluations on request by the student or the student's parent or guardian. The principal may direct that the student undergo a test or tests to assist in making a determination relative to the awarding of credit under this paragraph. [PL 2003, c. 271, §1 (AMD).]

D. Awarding of a high school diploma by the local school is conditioned upon the student's demonstration of having satisfied all course credit and other requirements established by the local school board. The local board of directors may establish resident credit requirements as a precondition for the awarding of a local school unit diploma. [PL 2003, c. 271, §1 (AMD).]

[PL 2003, c. 271, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 610, §1 (NEW). PL 2003, c. 271, §1 (AMD).

§5023. Standards for participation when tuition payment is required

When the local public school unit does not provide academic instruction for specific grade levels, the following applies for students enrolled in an approved program of equivalent instruction. [PL 1995, c. 610, §1 (NEW).]

1. Class participation. The home-schooled student or the student's parent or guardian shall request authorization from the resident local school unit to apply to another school unit for permission to participate in classes or activities in that other school unit.

[PL 1995, c. 610, §1 (NEW).]

2. Tuition payment. Tuition payments for home-schooled student participation in a local school unit, including attendance at a career and technical education center or a career and technical education region, other than the applicant's resident district is the responsibility of the home-schooled student, the student's parent or guardian or the student's resident school administrative unit, in accordance with local school unit policy. Participation may not be unreasonably withheld.

[PL 1995, c. 610, §1 (NEW); PL 2003, c. 545, §5 (REV).]

3. Participation eligibility. A tuitioned home-schooled student is subject to the rules relating to eligibility for participation in cocurricular or extracurricular activities as may apply at the receiving school unit.

[PL 1995, c. 610, §1 (NEW).]

4. Interscholastic activities. A tuitioned home-schooled student attending classes in more than one receiving school unit is not eligible for participation in interscholastic activities at any local school unit.

[PL 1995, c. 610, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 610, §1 (NEW). PL 2003, c. 545, §5 (REV).

§5024. Local school unit policy

Each school administrative unit shall develop and adopt a policy consistent with this subchapter. Establishment and administration of the local school unit policy is subject to the following. [PL 1995, c. 610, §1 (NEW).]

1. Policy. Local school unit policy must be submitted to and placed on file in the department by January 1, 1997.
[PL 1995, c. 610, §1 (NEW).]

2. Implementation. Locally approved policy is implemented and administered by the local school unit.
[PL 1995, c. 610, §1 (NEW).]

3. Provision of information. At the request of the student or the student's parent or guardian, public schools shall make available to home-schooled students, in a form determined by the school, information regarding access to public school resources and services, participation in public school activities and attendance at public schools. This information must include:

A. Requirements regarding initial health and developmental screening for motor skills, vision, hearing and immunization; and [PL 1995, c. 610, §1 (NEW).]

B. Criteria for participation of home-schooled students in curricular, cocurricular and extracurricular activities. [PL 1995, c. 610, §1 (NEW).]
[PL 1995, c. 610, §1 (NEW).]

4. Appeals. Appeals from administration and application of the local school unit policy are heard by the local school unit's school board, whose decision is final and binding.
[PL 1995, c. 610, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 610, §1 (NEW).

§5025. Compliance

Appeals that question the local school unit's policy compliance with this subchapter must be made to the commissioner, whose decision is final and binding. [PL 1995, c. 610, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 610, §1 (NEW).

SUBCHAPTER 1-B

HIGH SCHOOL GRADUATION RATE

§5031. High school graduation rate

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

A. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, the 5-year adjusted cohort graduation rate; [PL 2011, c. 614, §12 (NEW).]

B. Beginning with the graduation rate reported for school year 2012-2013 and for each school year thereafter, the 6-year adjusted cohort graduation rate; and [PL 2011, c. 614, §12 (NEW).]

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

(1) Department of Education diploma as described under section 257-A;

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

(3) High school equivalency diploma obtained through a high school completion course that includes general educational development preparation courses from an adult education program as described in chapter 315. [PL 2013, c. 439, §5 (AMD).]

The department shall adopt rules specifying that the methods used to calculate publicly supported secondary school graduation rates through the 2015-2016 school year must include calculations for 5-year and 6-year adjusted cohort graduation rates under paragraphs A and B and other descriptors of academic success under paragraph C.
[PL 2013, c. 439, §5 (AMD).]

2. Technical assistance. The department shall provide forms to publicly supported secondary schools for reporting graduation rates. The commissioner shall provide technical assistance to publicly supported secondary schools in the State that have not attained a graduation rate of 80% by the end of the 2012-2013 school year. Publicly supported secondary schools that do not meet the 80% graduation rate by the end of the 2012-2013 school year shall provide the commissioner with a copy of the action plan developed under section 5103, subsection 5 no later than December 31, 2013. The action plan may include the steps necessary to achieve a graduation rate of 90% by the end of the 2015-2016 school year.
[PL 2009, c. 626, §1 (NEW).]

3. Rules. The department shall adopt rules specifying the method to be used to calculate publicly supported secondary school graduation rates through 2016 and dates by which graduation rates must be reported to the department. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A and must be provisionally adopted and submitted to the Legislature for review no later than January 14, 2011.
[PL 2009, c. 626, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 626, §1 (NEW). PL 2011, c. 614, §12 (AMD). PL 2013, c. 439, §5 (AMD).

SUBCHAPTER 2

TRUANTS

§5051. Habitual truancy

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §§52,53 (AMD). PL 1989, c. 415, §19 (AMD). PL 1995, c. 124, §1 (AMD). PL 1999, c. 198, §§1,2 (AMD). PL 2003, c. 533, §2 (RP).

§5051-A. Truancy

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

A. [PL 2007, c. 304, §5 (RP).]

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; [PL 2019, c. 235, §6 (AMD).]

C. Is at least 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; or [PL 2019, c. 508, §9 (AMD).]

D. Is enrolled in a public day school, is at least 5 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. [PL 2019, c. 235, §8 (NEW).]

[PL 2019, c. 235, §§6, 8 (AMD); PL 2019, c. 508, §9 (AMD).]

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

A. [PL 2011, c. 614, §13 (RP).]

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. [PL 2011, c. 614, §13 (NEW).]

A-2. A student who is determined truant under subsection 1 must be referred to the school's student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 to determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 shall develop an intervention plan to address the student's absences and the negative effect of these absences. An intervention plan may include, but is 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) Consideration of multiple pathways as described under section 4703;

(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 an intervention plan to address the student's truancy. [PL 2011, c. 614, §13 (NEW).]

B. [PL 2011, c. 614, §13 (RP).]

B-1. The superintendent shall develop procedures to refer a student who is truant to the student assistance team or the school personnel designated by the superintendent in accordance with the

school administrative unit's intervention system under section 4710 in accordance with this section. These procedures may include, but are not limited to:

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

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

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

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

(5) A plan for reporting of the results of the intervention plan developed pursuant to paragraph A-2. [PL 2011, c. 614, §13 (NEW).]

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

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

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

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

(4) State that the superintendent may notify the local law enforcement department of a violation of section 5053-A and the Department of Health and Human Services of a violation under subsection 1, paragraph C; and

(5) Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan. [PL 2011, c. 614, §13 (AMD).]

D. Prior to notifying the local law enforcement department under paragraph E, the superintendent shall schedule at least one meeting as required in paragraph B-1 and may invite a local prosecutor. [PL 2011, c. 614, §13 (AMD).]

E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A. [PL 2011, c. 614, §13 (AMD).]

F. When a student is determined to be truant and in violation of section 5001-A and the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 and the superintendent have made a good faith attempt to meet the requirements of paragraph B-1, the superintendent shall notify the school board of the student's truancy. [PL 2011, c. 614, §13 (AMD).]

[PL 2011, c. 614, §13 (AMD).]

3. Reports. This subsection applies to reports of truancy.

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

(1) Identify the number of truants in the school administrative unit in the preceding school year;

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

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

(4) Include any other information on truancy requested by the commissioner. [PL 2011, c. 614, §13 (AMD).]

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy. [PL 2003, c. 533, §3 (NEW).]

[PL 2011, c. 614, §13 (AMD).]

SECTION HISTORY

PL 2003, c. 533, §3 (NEW). PL 2007, c. 304, §§5-7 (AMD). PL 2011, c. 614, §13 (AMD). PL 2019, c. 235, §6-8 (AMD). PL 2019, c. 508, §9 (AMD).

§5052. Attendance officers

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 415, §20 (RP).

§5052-A. Attendance coordinators

The following provisions apply to attendance coordinators. [PL 1989, c. 415, §21 (NEW).]

1. Appointment. The following provisions apply to the appointment of attendance coordinators.

A. A superintendent shall appoint an attendance coordinator or coordinators. [PL 2011, c. 614, §14 (AMD).]

B. Vacancies must be filled as they occur. [PL 2011, c. 614, §14 (AMD).]

[PL 2011, c. 614, §14 (AMD).]

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

[PL 2011, c. 614, §14 (AMD).]

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

A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal; [PL 2011, c. 614, §14 (AMD).]

B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants; [PL 2007, c. 143, §1 (AMD).]

C. Serving as a member of the dropout prevention committee in accordance with section 5103; and [PL 2007, c. 143, §1 (AMD).]

D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under section 5001-A. [PL 2011, c. 614, §14 (AMD).]

[PL 2011, c. 614, §14 (AMD).]

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

[PL 2011, c. 614, §14 (AMD).]

SECTION HISTORY

PL 1989, c. 415, §21 (NEW). PL 2007, c. 143, §1 (AMD). PL 2011, c. 614, §14 (AMD).

§5053. Enforcement

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §54 (AMD). PL 1989, c. 415, §§22-25 (AMD). PL 2003, c. 533, §4 (RP).

§5053-A. Enforcement

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

[PL 2011, c. 614, §15 (AMD).]

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

[PL 2011, c. 614, §16 (AMD).]

3. Notice required. Notice must be provided to the parent pursuant to section 5051-A, subsection 2, paragraph C before a prosecution for violating subsection 1 may be brought against the parent.

[PL 2003, c. 533, §5 (NEW).]

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

[PL 2011, c. 614, §17 (AMD).]

5. Defense. It is a defense to a prosecution under subsection 1 that the parent has exercised reasonable diligence in attempting to cause a child in the parent's custody to attend school or that the administrators of the child's school did not perform their duties as required by law.

[PL 2003, c. 533, §5 (NEW).]

6. Process. Service of a summons on the parent pursuant to subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

[PL 2003, c. 533, §5 (NEW).]

7. Jurisdiction. The District Court has jurisdiction over violations under subsection 1.

[PL 2003, c. 533, §5 (NEW).]

SECTION HISTORY

PL 2003, c. 533, §5 (NEW). PL 2007, c. 304, §§8, 9 (AMD). PL 2011, c. 614, §§15-17 (AMD).

§5054. Employment of truants prohibited

Any firm or corporation, or agent or manager of any firm or corporation, who hires or otherwise engages any student who is truant as defined in this subchapter without a release from the student's supervising superintendent of schools is subject to the penalty provided in Title 26, section 781. [PL 2011, c. 614, §18 (AMD).]

SECTION HISTORY

PL 1989, c. 415, §26 (NEW). PL 2011, c. 614, §18 (AMD).

SUBCHAPTER 3

DROPOUTS

§5101. Statement of purpose

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 415, §27 (RP).

§5102. Definitions

As used in this subchapter, unless the context otherwise indicates, a "dropout" means any person who has withdrawn for any reason except death, or been expelled from school before graduation or completion of a program of studies and who has not enrolled in another educational institution or program. [PL 1989, c. 415, §28 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 415, §28 (AMD).

§5103. Dropout prevention committee

The following provisions apply to the dropout prevention committee. [PL 1989, c. 415, §29 (RPR).]

1. Committee. Each superintendent, with school board approval, shall annually establish a separate dropout prevention committee for each individual school unit under the superintendent's supervision.
[PL 1989, c. 415, §29 (RPR).]

2. Membership. The dropout prevention committee shall be composed of the following members:

A. A member of the school board selected by that board; [PL 1989, c. 415, §29 (RPR).]

B. A school administrator selected by the superintendent; [PL 1989, c. 415, §29 (RPR).]

C. A teacher and a school counselor selected by the school administrative unit's teacher organization; [PL 1989, c. 415, §29 (RPR).]

D. A parent selected by the unit's organized parent group, or, if no organized parent group exists, by the school board; [PL 1989, c. 415, §29 (RPR).]

E. A school attendance coordinator from the district selected by the superintendent; [PL 1989, c. 415, §29 (RPR).]

F. A high school student selected by the dropout prevention committee members selected in paragraphs A to E; [PL 1989, c. 415, §29 (RPR).]

G. A dropout selected by the dropout prevention committee members selected in paragraphs A to E; and [PL 1989, c. 415, §29 (RPR).]

H. A community resident of the district selected by the dropout prevention committee members selected in paragraphs A to E. [PL 1989, c. 415, §29 (NEW).]

A dropout prevention committee may increase its membership by majority vote.
[PL 1989, c. 415, §29 (RPR).]

3. Terms and vacancies. Members shall serve in accordance with policy established by the school board.
[PL 1989, c. 415, §29 (RPR).]

4. Chair. The dropout prevention committee shall select a chair from among its members.
[PL 1989, c. 415, §29 (RPR).]

5. Responsibilities. The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

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

(2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph L-1. [PL 2011, c. 614, §19 (AMD).]

B. The dropout prevention committee shall consider the following when developing its plan:

(1) Reasons why students drop out of school;

(2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternative education programs, counseling and referral;

(3) Education of teachers and administrators about the dropout problem;

(4) Use of human services programs to help dropouts;

(5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and

(6) Discriminatory practices and attitudes within the school administrative unit. [PL 2007, c. 667, §7 (AMD).]

C. [PL 1989, c. 415, §29 (RP).]
[PL 2011, c. 614, §19 (AMD).]

6. Annual report. The dropout prevention committee shall meet at least annually to review its plan and to make recommendations to the school board.
[PL 1989, c. 415, §29 (RPR).]

7. Department assistance. The department shall provide technical assistance to a dropout prevention committee on request to the Office of Truancy, Dropout Prevention and Alternative Education.
[PL 1989, c. 415, §29 (RPR).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 415, §29 (RPR). RR 2001, c. 1, §24 (COR). PL 2007, c. 667, §7 (AMD). PL 2011, c. 614, §19 (AMD).

§5104. Programs

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 415, §30 (RP).

§5104-A. Alternative education programs outside the school administrative unit

1. Alternative education programs. If the superintendents approve, a school administrative unit may enroll a student in an alternative education program in another school administrative unit or in an approved private alternative education program.
[PL 2007, c. 667, §8 (AMD).]

2. Student count. A student properly approved for enrollment under subsection 1 must be counted as a 1.0 student on school administrative unit counts for each semester, or its equivalent, of alternative education program.
[PL 2007, c. 667, §8 (AMD).]

3. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to administer this section.
[PL 1989, c. 415, §31 (NEW).]

SECTION HISTORY

PL 1989, c. 415, §31 (NEW). PL 2007, c. 667, §8 (AMD).

SUBCHAPTER 4

TECHNICAL ASSISTANCE

§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative education programs. To do this, the commissioner shall employ at least one consultant whose responsibility is to cover the area of truancy, dropouts and alternative education. [PL 2013, c. 368, Pt. KK, §1 (AMD).]

1. Qualifications. Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs.
[PL 2013, c. 368, Pt. KK, §2 (AMD).]

2. Duties. The consultant shall:

A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs; [PL 2007, c. 667, §9 (AMD).]

B. Develop screening tools for early identification of potential dropouts; [PL 1985, c. 774, §5 (NEW).]

C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs; [PL 1985, c. 774, §5 (NEW).]

D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education; [PL 2007, c. 667, §9 (AMD).]

E. Develop model curricula and programs for alternative education schools and programs; [PL 2007, c. 667, §9 (AMD).]

F. Assess and provide for the evaluation of alternative education programs consistent with the standards established by the commissioner; [PL 2007, c. 667, §9 (AMD).]

G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs; [PL 2007, c. 667, §9 (AMD).]

H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State; [PL 2007, c. 667, §9 (AMD).]

I. Have the responsibility for preventive programs and alternative education programs; [PL 2007, c. 667, §9 (AMD).]

J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion; [PL 2011, c. 614, §20 (AMD).]

K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State; [PL 2001, c. 452, §12 (AMD).]

L. Provide staff services to the advisory committee; and [PL 1985, c. 774, §5 (NEW).]

M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education. [PL 2007, c. 667, §9 (AMD).]

[PL 2011, c. 614, §20 (AMD).]

SECTION HISTORY

PL 1985, c. 774, §5 (NEW). PL 2001, c. 452, §12 (AMD). PL 2007, c. 667, §9 (AMD). PL 2011, c. 614, §20 (AMD). PL 2013, c. 368, Pt. KK, §§1, 2 (AMD).

§5152. Advisory committee

1. Commissioner. The commissioner shall appoint an advisory committee on truancy, dropouts and alternative education.

[PL 1985, c. 774, §5 (NEW).]

2. Duties of the advisory committee, as appointed by the commissioner. The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. The committee should consider its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to remain in school, including

reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.
[PL 2007, c. 667, §10 (AMD).]

3. Membership. The advisory committee must have a broad membership reflecting the range of individuals and public and private institutions that are involved or interested in the problem and its solution. It must include representation from each of the following:

A. Teachers; [PL 1985, c. 774, §5 (NEW).]

B. Elementary school principals; [PL 1985, c. 774, §5 (NEW).]

C. Secondary school principals; [PL 1985, c. 774, §5 (NEW).]

D. Guidance counselors; [PL 1985, c. 774, §5 (NEW).]

E. Adult education teachers with experience in high school completion education; [PL 1985, c. 774, §5 (NEW).]

F. Superintendents; [PL 1985, c. 774, §5 (NEW).]

G. Administrators from private schools involved in alternative education programs; [PL 2007, c. 667, §11 (AMD).]

H. Department of Health and Human Services; [PL 2005, c. 397, Pt. A, §15 (AMD).]

I. [PL 2005, c. 397, Pt. A, §16 (RP).]

J. Department of Corrections; [PL 1985, c. 774, §5 (NEW).]

K. Department of Labor; [PL 1985, c. 774, §5 (NEW).]

L. A local positive action committee on truancy, dropout and alternative education programs; [PL 2007, c. 667, §11 (AMD).]

M. Representatives from the business community; and [PL 1985, c. 774, §5 (NEW).]

N. Other individuals who the commissioner feels will contribute to the development of effective policies and programs. [PL 1985, c. 774, §5 (NEW).]

Two of the representatives in paragraphs A to D must be directly involved in alternative education programs. There may be no more than 15 members on the committee.
[PL 2007, c. 667, §11 (AMD).]

4. Term of office. The members of the advisory committee shall serve for 2 years and may be reappointed.
[PL 1985, c. 774, §5 (NEW).]

5. Expenses. Members of the advisory committee shall be reimbursed for expenses only for attending meetings or performing other functions authorized by the committee.
[PL 1985, c. 774, §5 (NEW).]

6. Annual reports. The committee shall report annually by February 1st to the joint standing committee of the Legislature having jurisdiction over education.
[PL 1985, c. 774, §5 (NEW).]

SECTION HISTORY

PL 1985, c. 774, §5 (NEW). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). PL 2001, c. 452, §13 (AMD). PL 2005, c. 397, §§A15,16 (AMD). PL 2007, c. 667, §§10, 11 (AMD).

§5153. Rules

The commissioner shall establish rules to implement this subchapter by January 1987. [PL 1985, c. 774, §5 (NEW).]

SECTION HISTORY

PL 1985, c. 774, §5 (NEW).

SUBCHAPTER 5

STUDENTS EXPERIENCING EDUCATION DISRUPTION

§5161. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 451, §6 (NEW).]

1. Academic programming waiver.
[PL 2015, c. 329, Pt. A, §4 (RP).]

1-A. Academic programming agreement. "Academic programming agreement" means an agreement between an interim program and a responsible school through which the responsible school agrees to accept the academic programming, credits and documentation of achievement of standards completed by a student in the interim program.
[PL 2013, c. 439, §6 (NEW).]

2. Department of Education diploma. "Department of Education diploma" means a diploma awarded under section 257-A.
[PL 2013, c. 439, §7 (RPR).]

2-A. Education disruption. "Education disruption" means disruption of the educational program of an elementary or secondary school student as a result of:

A. Homelessness or foster care placement; [PL 2013, c. 439, §8 (NEW).]

B. Absence for 10 or more consecutive school days due to placement in an interim program; or [PL 2013, c. 439, §8 (NEW).]

C. Enrollment in 3 or more schools or educational programs in a single school year. [PL 2013, c. 439, §8 (NEW).]

"Education disruption" does not include an absence 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 a planned hospitalization or recovery or pursuant to a superintendent's determination developed in accordance with section 5205, subsection 2.
[PL 2013, c. 439, §8 (NEW).]

3. Interim placement.
[PL 2015, c. 329, Pt. A, §4 (RP).]

3-A. Interim program. "Interim program" means:

A. A youth development center; [PL 2013, c. 439, §9 (NEW).]

B. A hospital or other facility for the purpose of unplanned medical or psychiatric treatment; or [PL 2013, c. 439, §9 (NEW).]

C. Any other program or school approved by the department, except a program or school in which a student is placed pursuant to an individual education plan or a superintendent transfer under section 5205. [PL 2013, c. 439, §9 (NEW).]
[PL 2013, c. 439, §9 (NEW).]

4. Learning results. "Learning results" means the system of learning results established pursuant to section 6209.
[PL 2007, c. 451, §6 (NEW).]

5. Receiving school.
[PL 2015, c. 329, Pt. A, §4 (RP).]

5-A. Responsible school. "Responsible school" means the school responsible for developing or updating a school work recognition plan.
[PL 2013, c. 439, §10 (NEW).]

6. School work recognition plan. "School work recognition plan" means a written plan that outlines how a student who is experiencing, or who has experienced, an education disruption will make and demonstrate progress toward achievement of learning results.
[PL 2013, c. 439, §11 (RPR).]

7. Sending school.
[PL 2015, c. 329, Pt. A, §4 (RP).]

8. Statewide review team.
[PL 2015, c. 329, Pt. A, §4 (RP).]

9. Students who experience education disruption.
[PL 2013, c. 439, §12 (RP).]

10. Student. "Student" means an elementary school or secondary school student.
[PL 2013, c. 439, §13 (NEW).]

SECTION HISTORY

PL 2007, c. 451, §6 (NEW). PL 2013, c. 439, §§6-13 (AMD). PL 2015, c. 329, Pt. A, §4 (AMD).

§5162. School work recognition plan

(REPEALED)

SECTION HISTORY

PL 2007, c. 451, §6 (NEW). PL 2013, c. 439, §14 (RP).

§5163. Continuing educational progress during and after education disruption

1. Education disruption due to interim program placement. The responsible school at the time a student is placed in an interim program shall:

A. Within 5 school days of becoming aware of the placement:

(1) Make available to the student individual educational materials such as curricula and assignments designed to enable the student to continue the student's educational programming; or

(2) Sign an academic programming agreement; and [PL 2013, c. 439, §15 (NEW).]

B. Within 10 days of becoming aware of the placement, work with the student, the parent or guardian and others such as juvenile community corrections officers and community case managers to develop or update a school work recognition plan for the student. [PL 2013, c. 439, §15 (NEW).]

[PL 2013, c. 439, §15 (NEW).]

2. Responsibility after placement. The responsible school for a student who is returning to educational programming following placement in an interim program shall:

A. If the responsible school is the same school as the school that was responsible during the placement, update the school work recognition plan at the time of return to educational programming to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the interim program or by the responsible school pursuant to an academic programming agreement; or [PL 2013, c. 439, §15 (NEW).]

B. If the responsible school is a different school from the school that was responsible during the placement, review the student's records and the school work recognition plan developed and updated during the placement and update it to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the placement or by the responsible school pursuant to an academic programming agreement. [PL 2013, c. 439, §15 (NEW).]

[PL 2013, c. 439, §15 (NEW).]

3. Education disruption due to multiple transfers. The responsible school at the time of a 3rd or subsequent educational enrollment in a school year shall:

A. Within 10 school days of the school's or program's becoming aware that the student is enrolling in the 3rd school or program in a school year, work with the student, parent or guardian and staff of other schools and programs in which the student participated to develop or update a school work recognition plan; and [PL 2013, c. 439, §15 (NEW).]

B. Compile for the student the credits or other recognition received by the student to date, identify gaps between that compilation and the credits or recognition typically earned by the student's peers and identify options for the student to close those gaps, if possible. [PL 2013, c. 439, §15 (NEW).]

[PL 2013, c. 439, §15 (NEW).]

4. Education disruption due to homelessness or foster care placement. The responsible school at the time of education disruption due to homelessness or foster care placement shall:

A. Within 5 school days of becoming aware of the education disruption due to homelessness or foster care placement, make available to the student individual educational materials such as curricula and assignments designed to enable the student to continue the student's educational programming; and [PL 2013, c. 439, §15 (NEW).]

B. Within 10 days of becoming aware of the education disruption due to homelessness or foster care placement, work with the student and the parent or guardian to develop or update a school work recognition plan for the student. [PL 2013, c. 439, §15 (NEW).]

[PL 2013, c. 439, §15 (NEW).]

5. Staff assistance. For every student who experiences education disruption due to placement in an interim program, professional staff in the responsible school must be assigned to ensure the complete transfer of all records, grades and credits and all academic material, including an academic programming agreement, if applicable, from the interim program in which the student was placed to the responsible school no later than 5 school days after the student enrolls in the responsible school.

[PL 2013, c. 439, §15 (NEW).]

6. Identification of responsible school. For purposes of implementing this section:

A. The responsible school for a student at the time the student enters an interim program is the school in which the student is enrolled at the time of entrance to the interim program. If the student is not enrolled at the time of entrance to the interim program, the responsible school is the one in which the student would be enrolled pursuant to chapter 213; [PL 2013, c. 439, §15 (NEW).]

B. The responsible school for a student during the placement is the same as the school described in paragraph A; [PL 2013, c. 439, §15 (NEW).]

C. The responsible school for a student at the time the student returns to regular educational programming following placement is the school in which the student is enrolled or is entitled to be enrolled; [PL 2013, c. 439, §15 (NEW).]

D. The responsible school for a student who enrolls in a 3rd or subsequent educational program in a single school year is the school in which the student enrolls; and [PL 2013, c. 439, §15 (NEW).]

E. The responsible school for a student who experiences education disruption due to homelessness or foster care placement is the school in which the student is enrolled or is entitled to be enrolled. [PL 2013, c. 439, §15 (NEW).]

[PL 2013, c. 439, §15 (NEW).]

SECTION HISTORY

PL 2013, c. 439, §15 (NEW).

§5164. Planning for graduation

If the student who experiences education disruption is between 16 years of age and 20 years of age, the school work recognition plan developed or updated following the education disruption must include a description of what the student must do in order to qualify to graduate with the student's peers or within a reasonable time thereafter. [PL 2013, c. 439, §15 (NEW).]

If it is determined by the responsible school and the student that the student cannot meet the school's requirements for graduation, the responsible school shall provide the student information about applying for a Department of Education diploma and shall assist the student in making the application. [PL 2013, c. 439, §15 (NEW).]

SECTION HISTORY

PL 2013, c. 439, §15 (NEW).

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