

05-071 DEPARTMENT OF EDUCATION

Chapter 128 TRUANTS & DROPOUTS-GUIDELINES

SUMMARY: These guidelines clarify the legislation dealing with the treatment of truants and dropouts and set forth the methods of reporting to the Department.

Section 1. Intent

Generally, the intent of L.D. 1851 is to require school officials to give increased attention to those pupils who are habitual truants and dropouts. Such attention will include record keeping relative to the actual numbers of pupils who are, by definition, habitual truants and dropouts; determining the reasons for each occurrence; providing appropriate alternative programs designed to promote these pupils' return to school; and providing appropriate alternative programs designed to prevent pupils from becoming habitual truants and dropouts.

Section 2. Recording Pupil Attendance

Although the recording of pupil attendance on a daily basis, as required by school approval standards, has been done in all schools, closer attention must now be given to pupil absence for each half-day session of a complete school day. Appropriate notations of absence must be made in the attendance register or other device which is used for recording daily attendance.

Section 3. Excusable Absences Defined

In the past, it has been the responsibility of local school boards and their school administrators to determine what action would constitute an excused absence and, in turn, what action would constitute an unexcused absence. This legislation now provides specific delineation of excusable absences; absences for reasons other than those specified would be considered unexcused. Excusable absences are defined as follows:

- A. Personal illness;
- B. Appointments with health professionals that cannot be made outside of the regular school day;
- C. Observance of recognized religious holidays when the observance is required during a regular school day;
- D. Emergency family situations; or

- E. Planned absences for personal or educational purposes which have been approved.

Questions have been posed about excusable absences. This does give flexibility to local school officials to decide what is acceptable as a "planned absence for personal or educational purposes."

Section 4. Recording Unexcused Absences

It will be necessary to give attention to more specific documentation of pupils' unexcused absences. Pertinent items relative to this are as follows:

- A. The record keeping process must begin immediately following the first unexcused absence.
- B. The date of the unexcused absence is to be recorded,
- C. Information is to be documented indicating what steps were taken to determine the reason(s) for the unexcused absence.

All public and private schools shall obtain and maintain this information on all truants whether they are educated at public or private expense.

Section 5. Documentation Relating to Habitual Truants

Once a child has become habitually truant as defined in 20 MRSA 914², procedures adopted in 20 MRSA 911, sub-section 5, shall be adhered to. Attention-must be given to regulations concerning confidentiality.

¹ A truant is a child who has an unexcused absence of one-half day or more.

² A child is determined to be an habitual truant if he is absent from school the equivalent of 10 full days or for one-half of a day on 7 consecutive school days within any 6-month period for other than an excusable absence as referred to in Section 911.

Section 6. Tuition Students

Local school administrative units are responsible for providing education for all children of compulsory school age who legally reside within the geographical area-of the units. If any child attends school outside the unit of legal residence and becomes truant in the receiving school, the superintendent or principal of the receiving school unit must notify the superintendent of the sending school unit and it becomes the responsibility of the sending unit to locate the truant child.

Once a child becomes an habitual truant, the principal of the public or private school of attendance shall forward to the superintendent of the sending unit all information relative to the unexcused absences of the habitual truant and which has been maintained on file. It then becomes the responsibility of the superintendent and school board to follow the procedures as outlined in the legislation.

Section 7. Eighty-five Percent (85%) Attendance and Subsidy

It will be necessary that accurate record keeping devices be developed to obtain the 85 percent attendance data that is required. The total number of actual pupil days between, and including, October 1 and April 1 of the school year must be determined. The attendance of each pupil must be accurately maintained on a daily basis and then this will be computed to determine whether or not each individual pupil has met the requirement. These figures must be maintained beginning October 24, 1977 (October 1 in subsequent years) and will serve as the basis for determining subsidy distribution for the 1979-80 school year. Data collection forms currently in use for determining subsidy distribution will be appropriately revised to allow reporting of enrollment figures which reflect the 85 percent requirement. Please note that students must maintain a minimum attendance of 85 percent, exclusive of sickness or other excused absence, between October 1 and April 1 inclusive to be counted for subsidy purposes.

Section 8. Recording Attendance for Students in Alternative Programs

Please note the provision for the counting of .1 of a pupil for enrollment in a semester course or its equivalent in alternative programs. It will be necessary that local record keeping procedures be designed to record the required information. Data collection forms currently in use by the Department will be revised to-minimize confusion in reporting such data. In order to facilitate this data collection process, it is requested that the attendance of students enrolled in alternative programs be maintained in a separate register. This will allow local school officials to distinguish these pupils from others not in alternative programs and make-easier the subsidy distribution on the basis of the .1 pupil provision.

Section 9. Authority to Excuse 14 Year Olds

A question was raised as to the exact meaning of the-word any in "the principal with the approval of the local school committee or board of directors is authorized to excuse any pupil who is 14 years of age or older from regular school programs for the purpose of participating in a suitable program of work, work study or training," which is found on page 3, sub-section 10 of 20 MRSA 911 of the legislation. Does this mean any pupil 14 years of age or older who is an habitual truant or dropout, or does it mean all pupils 14 years of age or older? An opinion from our Assistant Attorney General indicates that this applies to all pupils 14 years of age or older. It is pointed out that authorization to excuse pupils is given but there is no requirement that the pupil must be excused. The Department is of the opinion that this option should be used as a last resort.

Section 10. Register Entries for Unexcused Absences

Previously it has been pointed out that increased attention must be given to accurate record keeping by local school officials. One aspect of this procedure involves pupil attendance records which must be maintained in registers supplied to schools by this Department or on a comparable, locally designed record. If it is not already a common practice, excused and unexcused absences must be marked on the basis of each half-day the absence occurs. It is suggested that the following indicators be-used in order to easily identify the absence:

- 1 - excused
- 1 - unexcused (circle in red)

As an example, a pupil who had an excused absence in the AM and an unexcused absence in the PM, would be marked in a register as follows:

1
1

Section 11. Annual Report to Commissioner

L.D. 1851 requires superintendents to submit an annual report to the Commissioner prior to October 1 giving attention to the following:

- A. The number of habitual truants during the previous school year.
- B. A description of local efforts made on behalf of habitual truants.
- C. The number and disposition of action taken against parents under sub-section 8 on page 3 of the legislation.

- D. Other information the Commissioner may deem necessary. Because current data collection forms are not designed to collect this information, a new form has been developed.

Section 12. School Board Policies Required

You will note on the first page of Section 911, sub-section 5, the statement requiring local boards to promulgate rules and regulations and to file a copy of these with the Commissioner. Such rules and regulations will be included in school board policies on the subjects identified in the legislation. It is expected that many of the needed policies are already in existence, but it may be necessary to adopt additional policies. Once all appropriate local policies have been adopted, these would become the rules and regulations required. The set of policies must then be submitted to the Commissioner prior to October 1, 1978. Any subsequent policy changes must be submitted upon adoption.

From a review of this legislation, it is apparent that policies are needed in the following areas:

- A. Excused absences - Although excused absences are specifically identified in the legislation, policies are needed to provide guidance to local administrators.
- B. Unexcused absences - All absences that are not included in #1 above are unexcused absences.
- C. Information required to be maintained on truant pupils:
 - 1. What to collect
 - 2. How to maintain
 - 3. Adherence to confidentiality
- D. Procedures for referral of truancy matters from the principal to the superintendent.
- E. Procedures for referral of truancy matters from the superintendent to the school board.
- F. Procedures for notification of parents regarding hearing before the school board.
- G. Procedures for waiving of compulsory attendance and for parent appeal if attendance is waived.

- H. Procedures for bringing legal action against the parent under subsection 8 of 20 MRSA 911.
- I. Procedures for pupil to obtain work permit.
- J. Procedures for excusing 14 year-old pupil for "suitable program of work, work study or training" and procedures for involving pupil in-program selection.

It is possible that some policies addressing the preceding areas are already in effect through the Positive Action Committee Dropout Plan; You are, therefore, reminded to coordinate the development of the rules and regulations required under this legislation with the local plan for dealing with dropouts which is required by statute (20 MRSA 931-933).

Section 13. Developing Alternative Programs

The legislation encourages school units to establish alternative programs for dropouts and chronic (habitual) truants. Although the word "encouraged" is used, the primary intent of the legislation is to provide school units with the authority to establish programs for the identified pupils.

When developing alternative programs, local school officials should give consideration to the following questions:

- A. Do the programs provide for academic and non-academic pursuits in accordance with the needs of the individual student?
- B. Do the programs include that which is necessary for meeting curriculum and graduation requirements provided by statute or local board policy?
- C. Do the programs provide adequate instructional time equivalent to that required for regular school programs?
- D. Are adequate instructional materials provided?
- E. Can the programs be evaluated in terms of meeting stated objectives? Alternative programs may be developed and conducted under the direction of local school officials and may become operative within present school facilities during the regular school day. Likewise, alternative programs may be operated under the direction of local school officials outside the regular school facilities and school day. Regardless of which approach is followed, criteria should be developed to determine pupil eligibility for participation in these programs. A description of locally developed alternative programs is to be filed with this Department and the reporting process can be accomplished by using the data collection form.

It is possible that alternative programs may already exist or could be developed completely apart from local school jurisdiction. These programs could be operated by private individuals, groups, or agencies. If programs operated outside the school by private individuals, groups, or agencies seem appropriate in meeting the needs of the pupil, criteria for the programs should be developed by the local school officials and they should serve as a guide for the local approval of these programs. Such criteria should include the following:

1. The instruction is provided by qualified individuals. The qualifications might be evidenced by a valid teaching credential, a valid license (trade, etc.) in the area of content being presented, or expertise gained through long experience in the content of the specific program (adult education programs).
2. The quality of instruction is equivalent to that provided in the regular public school.
3. The facilities housing the program meet all fire safety, health, and sanitation standards.
4. The program is designed to provide adequate instructional time to meet its stated objectives.
5. There is provision for program evaluation. Any alternative programs developed under this legislation shall be submitted to the local school board for approval.

Section 14. Units Unable to Provide Alternative Programs

In the legislation, provision is made for schools unable to provide an alternative program for chronic (habitual) truants and dropouts. In this instance, schools may tuition pupils to neighboring administrative units or to private schools; it is necessary that policies and procedures be developed to accommodate this practice. All receiving schools must be approved by this office under the basic school approval program. Record keeping procedures should be locally developed for maintaining records of pupils enrolled in alternative programs on the basis of .1 pupil for each semester credit course or its equivalent leading toward a high school graduation. Such records will also be necessary for pupils tuitioned to neighboring units or private schools. Any pupil enrolled in an alternative program shall be counted on the rolls of the sending unit for subsidy purposes. No pupil shall be counted in the aggregate as more than 1.0.

Section 15. Graduation Requirements for Pupils Enrolled in Alternative Programs

Any pupil participating in an alternative program who expects to graduate from the local high school must meet statutory requirements and other local requirements necessary to receive a diploma. It is possible that a pupil could be enrolled in a type of alternative program outside the school which could result in the pupil being eligible for graduation provided that the program content meets statutory requirements and has been approved by the local school committee. Current policies of this Department which limit the number of credits obtainable outside of school to one-quarter of the total number of graduation credits do not apply to alternative programs approved under this legislation.

Section 16. Parental Approval of Alternative Programs

Regardless of what type of alternative program arrangement is determined for each individual pupil, local school officials should prepare a form for parents to sign to approve the alternative arrangement. Parents should be included in the total process and should provide evidence to the school officials that they understand what has taken place.

Section 17. Reporting Pupils in Alternate Programs for Subsidy Purposes. (20 MRSA, Section 934)

Pupils enrolled in alternate programs as per 20 MRSA, Section 934 will be reported on a separate data collection form for subsidy purposes in June and in January. They should not be reported as regular resident pupils in the April 1st and October 1st enrollment count. It is suggested that attendance of pupils in alternate programs be recorded in a separate register or pupil accounting system. Subsidy calculations will be at the rate of .1 of a pupil per semester credit course or its equivalent.

STATUTORY AUTHORITY: 20 MRSA § 911

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