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EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 126, L.D. 311, Bill, “An Act To Improve Attendance at Public Elementary Schools”

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

'Sec. 1. 20-A MRSA §5001-A, sub-§1-A is enacted to read:

1-A. Attendance of persons 5 years of age or older and under 7 years of age. A person 5 years of age or older and under 7 years of age who is enrolled in public day school is required to attend that school during the time it is in session except as provided in paragraphs A and B.

A. At any time during the 45 days after the date of enrollment in public day school, a person 5 years of age or older and under 7 years of age may withdraw from the school.

B. If more than 45 days have elapsed after the date of enrollment in public day school, a person 5 years of age or older and under 7 years of age may withdraw from the school after consultation with the school board or the school board's designee.

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

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 7 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;

- 1 (b) A private school recognized by the department as providing equivalent
2 instruction;
- 3 (c-1) A home instruction program that complies with the requirements of
4 subparagraph (4); or
- 5 (d) Any other manner arranged for by the school board and approved by the
6 commissioner.
- 7 (2) A student is credited with attendance at a private school only if a certificate
8 showing the name, residence and attendance of the person at the school, signed
9 by the person or persons in charge of the school, has been filed with the school
10 officials of the administrative unit in which the student resides.
- 11 (4) The following provisions govern a home instruction program.
- 12 (a) The student's parent or guardian shall provide a written notice of intent to
13 provide home instruction simultaneously to the school officials of the
14 administrative unit in which the student resides and to the commissioner
15 within 10 calendar days of the beginning of home instruction. The notice
16 must contain the following information:
- 17 (i) The name, signature and address of the student's parent or guardian;
- 18 (ii) The name and age of the student;
- 19 (iii) The date the home instruction program will begin;
- 20 (iv) A statement of assurance that indicates the home instruction
21 program will provide at least 175 days annually of instruction and will
22 provide instruction in the following subject areas: English and language
23 arts, math, science, social studies, physical education, health education,
24 library skills, fine arts and, in at least one grade from grade 6 to 12,
25 Maine studies. At one grade level from grade 7 to 12, the student will
26 demonstrate proficiency in the use of computers; and
- 27 (v) A statement of assurance that indicates that the home instruction
28 program will include an annual assessment of the student's academic
29 progress that includes at least one of the forms of assessment described in
30 division (b).
- 31 (b) On or before September 1st of each subsequent year of home instruction,
32 the student's parent or guardian shall file a letter with the school officials of
33 the administrative unit in which the student resides and the commissioner
34 stating the intention to continue providing home instruction and enclose a
35 copy of one of the following forms of annual assessment of the student's
36 academic progress:
- 37 (i) A standardized achievement test administered through the
38 administrative unit in which the student resides or through other
39 arrangements approved by the commissioner. If the test is administered
40 through the administrative unit in which the student resides, that

- 1 administration must be agreed to by the school officials of the
2 administrative unit prior to submission of the written notice of intent to
3 provide home instruction;
- 4 (ii) A test developed by the school officials of the administrative unit in
5 which the student resides appropriate to the student's home instruction
6 program, which must be agreed to by the school officials of the
7 administrative unit prior to submission of the written notice of intent to
8 provide home instruction;
- 9 (iii) A review and acceptance of the student's progress by an identified
10 individual who holds a current Maine teacher's certificate;
- 11 (iv) A review and acceptance of the student's progress based on, but not
12 limited to, a presentation of an educational portfolio of the student to a
13 local area homeschooling support group whose membership for this
14 purpose includes a currently certified Maine teacher or administrator; or
- 15 (v) A review and acceptance of the student's progress by a local advisory
16 board selected by the superintendent of the administrative unit in which
17 the student resides that includes one administrative unit employee and 2
18 home instruction tutors. For the purpose of this subdivision, a "home
19 instruction tutor" means the parent, guardian or other person who acts or
20 will act as a primary teacher of the student in the home instruction
21 program. This provision must be agreed to by the school officials of the
22 administrative unit in which the student resides prior to submission of the
23 written notice of intent to provide home instruction.
- 24 (c) Dissemination of any information filed under this subparagraph is
25 governed by the provisions of section 6001; the federal Family Educational
26 Rights and Privacy Act of 1974, 20 United States Code, Section 1232g
27 (2002); and the federal Education for All Handicapped Children Act of 1975,
28 20 United States Code, Sections 1401 to 1487 (2002), except that "directory
29 information," as defined by the federal Family Educational Rights and
30 Privacy Act of 1974, is confidential and is not subject to public disclosure
31 unless the parent or guardian specifically permits disclosure in writing or a
32 judge orders otherwise. Copies of the information filed under this
33 subparagraph must be maintained by the student's parent or guardian until the
34 home instruction program concludes. The records must be made available to
35 the commissioner upon request.
- 36 (d) If the home instruction program is discontinued, students of compulsory
37 school age must be enrolled in a public school or an equivalent instruction
38 alternative as provided for in this paragraph. The receiving school shall
39 determine the placement of the student. At the secondary level, the principal
40 of the receiving school shall determine the value of the prior educational
41 experience toward meeting the standards of the system of learning results as
42 established in section 6209.

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

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

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

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

9 C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of
10 7 full days of unexcused absences or 5 consecutive school days of unexcused
11 absences during a school year; or

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

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

16 **SUMMARY**

17 This amendment strikes the bill and instead provides that a person 5 years of age or
18 older who is enrolled in public day school is required to attend during the time it is in
19 regular session. This amendment provides that a person 5 years of age or older and under
20 7 years of age may withdraw from school at any time within the 45 days after enrollment,
21 and may withdraw from school after 45 days after enrollment after consultation with the
22 school board or its designee. This amendment provides that students who are at least 5
23 years of age and enrolled in a public day school are subject to the same provisions
24 regarding truancy as students who are at least 7 years of age and have not completed
25 grade 6 who are required to attend a public day school. This amendment clarifies that a
26 person 5 years of age or older and under 7 years of age is not required to meet the
27 alternatives to attendance requirements set forth in the Maine Revised Statutes, Title
28 20-A, section 5001-A, subsection 3.