

**COMPULSORY ATTENDANCE AGES**

For the purposes of this policy, “parent” means parent(s), regardless of divorce or separation; a legal guardian or individual acting as a parent or guardian, unless there is evidence of a state law or court order governing such matters as divorce, separation or custody or a legally binding instrument that specifically revokes such rights.

Under state law, full-time school attendance is required of all children from their 7<sup>th</sup> to their 17<sup>th</sup> birthday except:

- A. A person who graduates from high school before his/her 17<sup>th</sup> birthday;
- B. A person who has:
  - 1. Reached the age of 15 years or completed the 9<sup>th</sup> 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 Board or its designee; and
  - 5. Agreed in writing with that person’s parent and the Board or its designee to meet annually until that person’s 17<sup>th</sup> 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;
- C. A person whose absence is excused under section 5051. The parent of an habitual truant who has been denied a waiver of this paragraph may appeal to the Commissioner in accordance with section 5051, subsection 2, paragraph E (habitual truancy); or
- D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. The Commissioner must approve an exception to the attendance in public school under this paragraph.

**Alternatives to Attendance at Public Day School**

- A. Equivalent instruction alternatives are as follows:
  - 1. A person shall be 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;

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- c) A home instruction program that complies with the requirements of 20-A MRSA §5001-A(3)(A)(4); or
  - d) Any other manner arranged for by the Board and approved by the Commissioner.
2. A student shall be 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 school officials of the administrative unit in which the student resides.
  3. The following provisions apply to home instruction programs:
    - a) The student's parent/guardian must provide a written notice of intent to provide home instruction that meets the requirements of 20-A MRSA § 5001-A(3)(A)(4)(a) 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.
    - b) On or before September 1 of each subsequent year of home instruction, the student's parent/guardian must 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 forms of annual assessment of the student's academic progress described in 20-A MRSA 5001-A(3)(A)(4)(b).
    - c) Dissemination of any information filed under 20-A MRSA § 5001-A(3)(A) is governed by the provisions of 20-A MRSA § 6001 (dissemination of information); the federal Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 USC § 1401-1487 (2002), except that "directory information" as defined by the federal Family Educational Rights and Privacy Act (FERPA) is confidential and is not subject to public disclosure unless the parent/ guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of any information filed under 20-A MRSA § 5001-A(3)(A) must be maintained by the student's parent/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 by law. 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 Maine's system of Learning Results.
- B. A person may be excused from attendance at a public day school pursuant to § 5104-A or § 8605 (other public or private alternative programs).

**Excusable Absence**

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

- A. Personal illness;
- B. An appointment with a health professional that must be made during the regular school day;
- C. Observance of a recognized religious holiday when the observance is required during the regular school day;
- D. A family emergency; or
- E. A planned absence for a personal or educational purpose, which has been approved.

Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of 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.

Parents are responsible for the attendance of students who are under 17 years of age. The Board shall work with families in an effort to ensure compliance.

Secondary school students 20 years of age or more will only be admitted to the school unit with prior Board approval.

Legal Reference: 20-A MRSA § 5001-A  
CH. 125 § 8.06 (Maine Dept. of Ed. Rules)

Cross Reference: IHBG- Home Schooling  
JFC – Student Withdrawal From School/Dropouts

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