



# Truancy Guidelines: Making a Child Welfare Report

<p>Julie A. Smyth Director, O3S Maine DOE</p> 	<p>Bear Shea Coordinator, O3S Truancy Specialist</p>	<p>Stephanie Wiken Policy &amp; Training Specialist, OCFS</p> 
---	--	---

1

---

---

---

---

---


---

---

---

## Questions to be clarified:

1. How do we determine if a student's truancy should be reported to OCFS?
  
2. What happens when a report is made to OCFS, and what is the process of determining if an investigation will occur?
  
3. What happens after we make a report, and what are the next steps for supporting students and their families?



2

---

---

---

---

---


---

---

---

## Acronyms for today:

- DHHS= Department of Health and Human Services
  - OCFS= Office of Child and Family Services
  - CPS= Child Protective Services
  
- DOE= Department of Education
  - O3S= Office of School and Student Supports



3

---

---

---

---

---

---

---


---

**For more truancy information:**

MSSC Training | Department of Education  
(maine.gov)

**About MSSC Services**

- Behavioral Threat Assessment Management
- MSSC Restorative Practices
- School Emergency Management
- School Safety & Security
- School Safety Training
- Safety through Food Security
- Transportation
- MSSC Initiative
- Meet the Safety Team



**Webinars/Past Training**

- [Undetectable Conference](#) October 21-22, 2022
- [Homeland Security Grant Overview](#) 03.22.2022
- [Food Insecurity, School Climate and Planning Considerations](#) 03.15.2022
- [Maine School Safety Center Introduction to Services](#) 10.06.2021
- [Inside Out and Outside In Planning](#) 08.03.2021
- [Food Service in Emergency Operations](#) 5.27.2021
- [All Hazards Approach to Planning](#) 5.14.2021
- [It Can't Happen Here](#) 4.30.2021
- [DOE MSSC Truancy Forum](#) 12.16.2020
- [Empowering the Disadvantaged Student](#) 05.01.2020

STATE OF MAINE  
Department of Health and Human Services

---

---

---

---

---

---

---

---

---

---

4

**MSSC Truancy Forum:**

- Overview of Truancy in law - 6:32 - 18:07
- School Admin. perspective - 18:22-38:26
- Law enforcement's response to truancy - 38:34 - 48:58
- DHHS response to truancy - 50:00-1:08:55
- Court's perspective - 1:09 - 1:23:02
- "Count ME In" Exc. Dir. advice - 1:23:45- 1:38:12

STATE OF MAINE  
Department of Health and Human Services

---

---

---

---

---

---

---

---

---

---

5

**Truancy Defined**

**§5051-A. Truancy**

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

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).]

In other words:

- ✓ Student is 7th grade through high school
- ✓ Student has accrued ten unexcused absences throughout the school year
- ✓ Student has accrued 7 consecutive unexcused absences

STATE OF MAINE  
Department of Health and Human Services

---

---

---

---

---

---

---

---

---

---

6

**Truancy Defined**

---

**§5051-A. Truancy**

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

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).]

school year:

**In other words:**

- ✓ Student is from 6 years old and most likely in Kindergarten or 1st through the end of 6th grade;
- ✓ Student has accrued SEVEN unexcused absences throughout the school year; or
- ✓ Student has accrued FIVE consecutive unexcused absences.

STATE OF MAINE  
Department of  
Health and Human Services

7

---

---

---

---

---

---

---

---

---

---

**Truancy Defined**

---

**§5051-A. Truancy**

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

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, §5 (NEW); PL 2019, c. 235, §56, 8 (AMD); PL 2019, c. 508, §9 (AMD).]

**In other words:**

- ✓ 5-year-olds enrolled in public day school added to truancy count in 2019
- ✓ Truancy count begins at child's 5<sup>th</sup> birthday
  - example: a 4-year-old, enrolled in a public pre-K program, has already accrued more than 7 days unexcused since the start of the school year. They turn 5 in the spring of that school year, and another 7 full days or 5 consecutive unexcused absences must accrue since their 5<sup>th</sup> birthday before Truancy is applied.

STATE OF MAINE  
Department of  
Health and Human Services

8

---

---

---

---

---

---

---

---

---

---

**Truancy Process Reminder:**

---

1. Principal notifies Supt. within 5 days of student's last absence
2. Referral to S.A.T., intervention team, etc.
3. Team meets to discuss student's absences and creates intervention plan, if applicable
4. Intervention Plan is followed
5. IF plan is unsuccessful, parent notice occurs

STATE OF MAINE  
Department of  
Health and Human Services

9

---

---

---

---

---

---

---

---

---

---

### Determining Reporting Truancy to DHHS

Truancy in Statute:

- Education: MRSA 20-A §5051-A Truancy
  - 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:
    - (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



10

---

---

---

---

---

---

---

---

---

---

### Determining Reporting Truancy to DHHS

Truancy in Statute:

- Health and Welfare: MRSA 22 §4002 Definitions
  - 1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855 or deprivation of essential needs, or lack of protection from these, by a person responsible for the child.
 

"Abuse or neglect" **also means truancy** under Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1, paragraph C or D **when truancy is the result of neglect by a person responsible for the child.**



11

---

---

---

---

---

---

---

---

---

---

### Title 22 MRSA Chapter 1071

For the complete Child and Family Services Child Protection Act, including which groups are Mandated Reporters see:

<http://www.mainelegislature.org/legis/statutes/22/title22ch1071sec0.html>



12

---

---

---

---

---

---

---

---

---

---

### Reasonable Suspicion:

Truancy does not always equal neglect.

Consider what you know, how do you know it and how will you describe it.



13

---

---

---

---

---

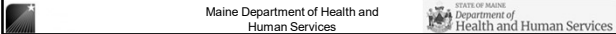
---

---

---

### What information is helpful for the report?

- Name, address & phone number of child's custodial parent and directions to the home.
- Names & relationships of other adults in the home.
- Children's names and ages (dates of birth).
- Information on any out of home parents.
- Alleged abuse/neglect (**be as specific as possible**).
- Any actions you have or intend to take.
- Additional information.



14

---

---

---

---

---

---

---

---

### Truancy questions asked by Intake:

- What school does the child attend?
- What is the child's age and current grade level?
- How many unexcused absences has the child had this school year?
- Has an intervention plan been created by the school to help remedy the truancy concern?  
If yes, what has been observed from intervention efforts?
- Has the parent notified in writing that attendance of the child at school is required by law?  
If yes, when?
- What have the caregivers said regarding the reason for the child's absences?
- Have the caregivers been willing to problem solve, and/or seek solutions to improve attendance?
- When was a truancy meeting scheduled/held with the parent? What was the outcome?
- Does the child have any known developmental or other health concerns that require an IEP or 504 Plan? If yes, how are these needs being met while the child is not in school?
- What other information is known regarding the child's absences from school, including any known worries for the safety of the child or parental behaviors that may contribute to this?



15

---

---

---

---

---

---

---

---

### **If I suspect child abuse or neglect, what should I do?**

- File a report **immediately** by calling Intake at **1-800-452-1999**.
- You are not required to submit a paper copy of your report to DHHS.



16

---

---

---

---

---

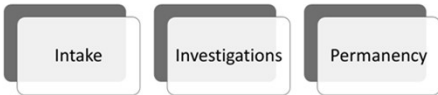
---

---

---

### **What happens when a report is made?**

Knowing the Child Welfare Case Flow



17

---

---

---

---

---

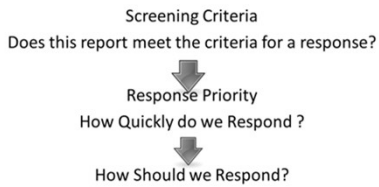
---

---

---

### **Criteria for OCFS Intervention**

Structured Decision Making (SDM)



Maine Department of Health and Human Services



18

---

---

---

---

---

---

---

---

## Investigations

---

Investigations

- Appropriate Report comes from Intake, and it is assigned to a caseworker to investigate
- Within 24 or 72 hours:
- Background checks on the family to prepare to meet them and assure personal safety
- Meet with all parents and children and interview them/home visit
- Within 35 days:
- Make Decisions



STATE OF MAINE  
Department of  
Health and Human Services

19

---

---

---

---

---

---

---

---

---

---

180

## Truancy Reporting Determination Form

- A process for determining if a student’s truancy is the “result is the result of neglect”
- What information to gather to make the report
- A way to document the determination process and follow-through

STATE OF MAINE  
Department of  
Health and Human Services

20

---

---

---

---

---

---

---

---

---

---

## Truancy Reporting Determination Form

- MDOE Attendance and Truancy Resource Page

### Attendance & Truancy Resources

**Attendance and Truancy**

Good school attendance sets the stage for students to fully benefit from the many learning resources our schools offer. Children and families may face challenges that impact regular attendance. Recognizing and responding to those challenges can help keep students on track academically.

The Office of School and Student Supports provides resources and guidance to help schools monitor and reduce chronic absenteeism. While assisting in the implementation of Maine’s truancy statute dealing with unexcused absences, an important aspect of that work, research clearly shows that frequent excused absences – for genuine health or family reasons – are equally important to the work of making school a place where all students thrive. The office supports school attendance and intervention teams, assists families in understanding school attendance requirements and exploring learning options, and partners with other agencies to coordinate a community approach to making school attendance a priority in Maine.

**Maine Laws, Rules, and Guidance:**

- 2018 Changes to compulsory attendance and truancy statutes
- Title 20-A Section 5001-A: Compulsory Attendance
- Title 20-A Sections 5051-A.-5054 - Truancy
- Attendance Data Reporting Guidance
- Optional Form For Determining Truancy Reporting to DHHS

**Resources:**

- Comprehensive Attendance Resource Guide

STATE OF MAINE  
Department of  
Health and Human Services

21

---

---

---

---

---

---

---

---

---

---

### Truancy Reporting Determination Form

**I. Evaluation:**  
 Staff consulted regarding student truancy barriers:

In addition to student truancy, are there concerns that there is a failure to provide the following resources, likely resulting in injury or illness:

- adequate food	<input type="checkbox"/> yes	<input type="checkbox"/> no	- safe supervision	<input type="checkbox"/> yes	<input type="checkbox"/> no
- adequate clothing	<input type="checkbox"/> yes	<input type="checkbox"/> no	- medical care	<input type="checkbox"/> yes	<input type="checkbox"/> no
- adequate shelter	<input type="checkbox"/> yes	<input type="checkbox"/> no	- other (specify):	<input style="width: 50px;" type="text"/>	

In addition to student truancy, are there concerns that there may be failure to protect a child from harm, resulting in physical, sexual, or emotional abuse?  yes  no

Additional notes for "yes" answers and other concerns (add pages as needed):

22

---

---

---

---

---

---

---

---

---

---

### Truancy Reporting Determination Form

**Determining if truancy rises to the level of child protection reporting:**

- If "no" to all of the above categories, and consensus is that the student's truancy is not the result of abuse or neglect, a report to Office of Child and Family Services (OCFS) is not required. *M.R.S.A. 22 §4002(1)*
  - o This determination may be documented in the SYNERGY state database within the student's truancy record under truancy notes.
- If "yes" to any categories above, and/or there are concerns that the student's truancy is the result of abuse or neglect:
  - o A report may be made to Office of Child and Family Services (OCFS) using the information gathered in the "Reporting Truancy" section below.
  - o This determination may be documented in the SYNERGY state database within the student's truancy record under truancy notes.

23

---

---

---

---

---

---

---

---

---

---

### What next? Re-engage!

After the "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 (2003))

**CONSIDER**

This Photo by Unknown Author is licensed under CC BY-SA

**Truancy Process Reminder:**

1. Principal notifies Supt. within 5 days of student's last absence
2. Referral to S.A. 1, Intervention team, etc.
3. Team meets to discuss student's absence and creates intervention plan, if applicable
4. Intervention Plan B followed
5. If plan B unsuccessful, parent notice occurs

What relationships exist within the school or community that could be helpful? Is there a guest who could join the existing team to lend insight/be a thought partner?

What do resources like Attendance Works and Count MEIN suggest?

24

---

---

---

---

---

---

---

---

---

---



**Questions clarified:**

1. How do we determine if a student's truancy should be reported to OCFS?

2. What happens when a report is made to OCFS, and what is the process of determining if an investigation will occur?

3. What happens after we make a report, and what are the next steps for supporting students and their families?



---

---

---

---

---

---

---

---