

Guidance on Enrollment, Attendance and Education of Children Age Six and Younger

There have been questions about the laws and rules that govern the enrollment, attendance, and education of our youngest learners, as schools consider recent legislation, and the expanding number and size of public preschools programs.

During the 129th Legislature, [LD 150](#) and [LD 151](#) both addressed the age of compulsory attendance.

LD 151 lowered the compulsory age for attendance in school to age 6. This includes children who are accessing private or home instruction options. In addition, there is clarification that children five years of age who are *enrolled* in a public or publicly-funded educational setting are required to attend, unless a parent/guardian has formally withdrawn them from school. All student attendance data should be reported and monitored for chronic absenteeism and truancy. For further guidance regarding truancy, please see [our website](#). We encourage districts to consider their policies and protocols for supporting student attendance, and for reporting concerns to, and engaging with, partner agencies as needed.

This clarification is also a reminder that students, regardless of age, cannot be removed or unenrolled from a school that is receiving public funds without the due process afforded to those students and families in [20-A M.R.S. § 1001\(8-A and 9\)](#). In addition, school administrative units may not unilaterally determine that a child attend on a modified schedule (e.g. abbreviated school day, reduced school week). Parents/guardians must be involved in, and agree to, this decision and understand thoroughly the reasons for the request.

There are additional considerations for preschool students who have been identified as eligible to receive special education or English language acquisition services.

In accordance with Federal and State law, a child may not be excluded from enrollment in a public preschool program based solely on the presence of a disability or English language acquisition needs. Enrolled children who are referred to Child Development Services (CDS), based on program concerns regarding the child's development or behavior, must be considered a child with a disability and afforded the same rights as his/her K-12 peers until the child's Individualized Education Program (IEP) team makes determinations.

The parents/guardians of all public preschool students must be administered the Maine DOE [Language Use Survey](#), and if the student has a primary/home language other than English, an English language proficiency screener must be administered. If a student is identified as an English learner, English language acquisition services must be provided. A student cannot be denied access to public preschool on the basis of language acquisition needs.

We are committed to providing ongoing resources and support to educators, and to fostering partnerships with other educators and service providers. We encourage all to reach out to our staff and to watch for upcoming professional development opportunities on building an inclusive classroom, using trauma-informed practices, and integrating social-emotional learning into curriculum.

- For resources and support with public preschool programs, please contact Nicole Madore, Early Childhood Specialist at 207-446-3967 or Nicole.madore@maine.gov
- For CDS questions and support, contact Roberta Lucas, CDS State Director/619 Coordinator at 207-624-6621 or roberta.lucas@maine.gov with questions or comments about the guidance.
- For questions and support regarding students who are English learners, contact Jane Armstrong, State ESOL Specialist, at Jane.Armstrong@maine.gov