

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (S-482) (LD 1916 2020)

Date: 8/24/2020

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Date: (Filing No. S-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 663, L.D. 1916, Bill, “An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care”

Amend the bill by striking out the title and substituting the following:

'An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption'

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

'Sec. 1. 20-A MRSA §257-A, as enacted by PL 2013, c. 439, §2, is amended to read:

§257-A. Department of Education diploma

The commissioner shall issue a Department of Education diploma to a student who qualifies for the diploma pursuant to this section. A Department of Education diploma has the same legal status as a diploma awarded by a school administrative unit.

1. Eligibility to apply for diploma. A student is eligible to apply for a Department of Education diploma if that student is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced one or more education disruptions, ~~as defined in section 5161, subsection 2-A~~, during the student's educational history.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Community provider" has the same meaning as in section 5161, subsection 1-B.
- B. "Education disruption" has the same meaning as in section 5161, subsection 2-A.
- C. "Responsible school" has the same meaning as in section 5161, subsection 5-A and includes a school identified pursuant to section 5163, subsection 6.

1 D. "Student experiencing homelessness" has the same meaning as in section 5161,
2 subsection 11.

3 **2. Standard for awarding diploma.** The commissioner shall issue a diploma under
4 this section only to a student who ~~demonstrates achievement of the content standards of~~
5 ~~the system of learning results established pursuant to section 6209~~ completes the
6 minimum requirements for a high school diploma pursuant to section 4722.

7 **3. Process.** ~~A student who seeks a Department of Education diploma shall submit an~~
8 ~~application to the commissioner, including such evidence of student achievement and~~
9 ~~other information as is required by the commissioner~~ The responsible school shall
10 provide support for and assist in the completion and submission of an application for a
11 Department of Education diploma to the commissioner for any student who has
12 experienced one or more education disruptions during the student's educational history on
13 the request of the student's parent or guardian or on the request of the student if the
14 student is at least 18 years of age or is an unaccompanied student experiencing
15 homelessness. Community providers may also assist in the application process. An
16 application may require only information necessary to show that the student has
17 completed the minimum requirements for a high school diploma pursuant to section
18 4722. The commissioner may not require additional information or an interview with the
19 student. Evidence of student achievement that a student has met these requirements may
20 include, but is not limited to, transcripts, waivers, academic reports and school work
21 recognition plans. The commissioner shall form a review team to review the provided
22 evidence of student achievement and to make a recommendation to the commissioner on
23 the awarding of a diploma under this section. The review team may seek clarification of
24 the evidence provided but may not impose additional requirements beyond those
25 specified in the application. The commissioner shall make the final determination of
26 eligibility for a diploma under this section.

27 **Sec. 2. 20-A MRSA §5161, sub-§1-B** is enacted to read:

28 **1-B. Community provider.** "Community provider" means a governmental or
29 nongovernmental entity that provides services to students or families, including but not
30 limited to temporary and permanent housing, case management, immigration and
31 language services and social, behavioral health, occupational training and legal services.

32 **Sec. 3. 20-A MRSA §5161, sub-§2-A,** as enacted by PL 2013, c. 439, §8, is
33 amended to read:

34 **2-A. Education disruption.** "Education disruption" means disruption of the
35 educational program of an elementary or secondary school student because the student is
36 an immigrant student or a migrant student or as a result of:

- 37 A. Homelessness or foster care placement;
- 38 B. Absence for 10 or more consecutive school days due to placement in an interim
39 program; or
- 40 C. Enrollment in 3 or more schools or educational programs in a single school year.

41 "Education disruption" does not include an absence for 10 or more consecutive school
42 days as a result of a planned absence for a reason such as a family event or a medical

1 absence for a planned hospitalization or recovery or pursuant to a superintendent's
2 determination developed in accordance with section 5205, subsection 2.

3 **Sec. 4. 20-A MRSA §5161, sub-§2-B** is enacted to read:

4 **2-B. Foster care placement.** "Foster care placement" means placement of a child in
5 substitute 24-hour care for children placed away from their parents or guardians and for
6 whom the child welfare agency has placement and care responsibility, including, but not
7 limited to, placement in a family foster home, foster home of a relative, group home,
8 emergency shelter, residential facility, child care institution or preadoptive home. For the
9 purposes of this section, a placement is a foster care placement regardless of whether the
10 foster care facility is licensed and payments are made by the State or a tribal or local
11 agency for the care of the child, whether adoption subsidy payments are being made prior
12 to the finalization of an adoption or whether there is federal matching of any payments
13 that are made.

14 **Sec. 5. 20-A MRSA §5161, sub-§2-C** is enacted to read:

15 **2-C. Immigrant student.** "Immigrant student" means a student who was not born in
16 any state or territory of the United States, including the District of Columbia or the
17 Commonwealth of Puerto Rico, and has not attended one or more schools in any one or
18 more states or territories for more than 3 full academic years in the aggregate.

19 **Sec. 6. 20-A MRSA §5161, sub-§4-A** is enacted to read:

20 **4-A. Migrant student.** "Migrant student" means a student who has been identified
21 as a migratory child by the federal Department of Education Migrant Education Program
22 with a certificate of eligibility pursuant to the federal Every Student Succeeds Act, 20
23 United States Code, Section 6391 et seq. and related regulations.

24 **Sec. 7. 20-A MRSA §5161, sub-§6**, as repealed and replaced by PL 2013, c. 439,
25 §11, is amended to read:

26 **6. School work recognition plan.** "School work recognition plan" means a written
27 ~~plan~~ document, developed and updated in collaboration among the responsible school, the
28 student, parents or guardians, previous schools, interim programs and other agencies, that
29 outlines how a student who is experiencing, or who has experienced, an education
30 disruption will make makes and demonstrate demonstrates progress toward achievement
31 of learning results. A school work recognition plan includes but is not limited to:

32 A. A summary of the student's achievement relative to the appropriate learning
33 results;

34 B. A compilation of full and partial credits and other achievement recognitions
35 earned;

36 C. An identification of any gaps between the student's achievement and the
37 achievement typical of the student's same-age peers; and

38 D. A plan for maximizing the student's progress and closing identified gaps.

39 **Sec. 8. 20-A MRSA §5161, sub-§11** is enacted to read:

1 **11. Student experiencing homelessness.** "Student experiencing homelessness"
2 means a student who has been identified by a school administrative unit as a homeless
3 child or youth as defined in the federal McKinney-Vento Homeless Assistance Act, 42
4 United States Code, Section 11431 et seq.

5 **Sec. 9. 20-A MRSA §5163, sub-§3,** as enacted by PL 2013, c. 439, §15, is
6 amended to read:

7 **3. Education disruption due to homelessness, foster care placement, migrancy,**
8 **immigration or multiple transfers.** ~~The responsible school at the time of a 3rd or~~
9 ~~subsequent educational enrollment in a school year shall:~~

10 A. Within 10 school days of the school's or program's becoming aware that the
11 student is enrolling in the 3rd school or program in a school year or is experiencing
12 education disruption, work with the student, parent or guardian and staff of other
13 schools and programs in which the student participated to develop or update a school
14 work recognition plan; and

15 ~~B. Compile for the student the credits or other recognition received by the student to~~
16 ~~date, identify gaps between that compilation and the credits or recognition typically~~
17 ~~earned by the student's peers and identify options for the student to close those gaps,~~
18 ~~if possible.~~

19 C. Within 5 school days of the school's or program's becoming aware that a student
20 is experiencing a period of absence due to education disruption or multiple transfers,
21 make available to the student individual educational materials including but not
22 limited to curricula and assignments designed to enable the student to continue the
23 student's educational programming.

24 **Sec. 10. 20-A MRSA §5163, sub-§4,** as enacted by PL 2013, c. 439, §15, is
25 repealed.

26 **Sec. 11. 20-A MRSA §5163, sub-§5,** as enacted by PL 2013, c. 439, §15, is
27 amended to read:

28 **5. Staff assistance.** For every student who experiences education disruption ~~due to~~
29 ~~placement in an interim program,~~ professional staff in the responsible school must be
30 assigned to ensure the complete transfer of all records, grades and full and partial credits
31 and all academic material, including an academic programming agreement, if applicable,
32 from the interim program or prior school or program in which the student was placed or
33 that the student attended to the responsible school no later than 5 school days after the
34 student enrolls in the responsible school.

35 **Sec. 12. 20-A MRSA §5163, sub-§5-A** is enacted to read:

36 **5-A. Mentorship.** For every student experiencing education disruption that leads to
37 enrollment in a new responsible school, the new responsible school shall provide the
38 student with an adult staff or volunteer mentor to facilitate the student's transition.

39 **Sec. 13. 20-A MRSA §5164, last ¶,** as enacted by PL 2013, c. 439, §15, is
40 amended to read:

1 If it is determined by the responsible school and the student that the student cannot
2 meet the school's requirements for graduation by the end of the student's 4th year of
3 secondary school, the responsible school shall provide the student information about
4 applying for a Department of Education diploma ~~and shall assist the student in making~~
5 ~~the application~~. In accordance with section 257-A, subsection 3, the responsible school
6 shall provide support for and assist in the completion and submission of the application
7 on the request of the student's parent or guardian or on the request of the student if the
8 student is at least 18 years of age or is an unaccompanied student experiencing
9 homelessness. Community providers may also assist in the application process.

10 **Sec. 14. 20-A MRSA §5165** is enacted to read:

11 **§5165. Graduation of a student experiencing education disruption who is enrolled**
12 **in more than one school after the student's 2nd year in high school**

13 **1. Course credit or waiver.** If a student who is experiencing or has experienced
14 education disruption attends more than one school after the student's 2nd year of high
15 school and is unable to fulfill a diploma course requirement of the responsible school but
16 has completed a similar course elsewhere, the responsible school may award credit for the
17 similar course or waive the requirement. If the responsible school does not award credit
18 for the similar course or waive the requirement, the responsible school shall provide an
19 alternative means for the student to complete the required course for on-time graduation.

20 **2. Award of diploma from previously attended school.** If a student experiencing
21 education disruption who attends more than one school after the student's 2nd year in
22 high school cannot meet the graduation requirements of the responsible school but can
23 meet those of the previously attended school, the student must be awarded a diploma by
24 the previously attended school. The responsible school and the previously attended
25 school shall work together to ensure the student is supported in completing any specific
26 remaining requirements.

27 **3. Department of Education diploma.** Nothing in this section may be construed to
28 limit a student's eligibility to apply for the Department of Education diploma if the
29 student is unable to complete the diploma requirements of either the responsible or
30 previously attended school.'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
32 section number to read consecutively.

33 **SUMMARY**

34 This amendment, which strikes and replaces the bill and is the majority report of the
35 committee, does the following.

36 1. It amends the definition of "education disruption" to include migrant students who
37 have been identified as such by the federal Department of Education Migrant Education
38 Program and immigrant students who have not been attending one or more schools in any
39 one or more states or territories for more than 3 full academic years in the aggregate.

40 2. It amends the process for applying for a Department of Education diploma by
41 requiring that the responsible school provide support for the completion and submission

1 of an application for a Department of Education diploma for students who have
2 experienced education disruption, provides that community providers may assist in the
3 application process and specifies that a diploma may be issued to a student who
4 completes the minimum requirements for a high school diploma and that, while the
5 Commissioner of Education's review team may seek clarification on evidence submitted,
6 the commissioner may not require additional information.

7 3. It amends the definition of "school work recognition plan" for students
8 experiencing education disruption to specify that a school work recognition plan is
9 developed and updated in collaboration among the responsible school, the student, the
10 parent or guardian, previous schools, interim programs and other agencies. It also
11 specifies that a school work recognition plan includes but is not limited to a summary of
12 the student's achievement related to the appropriate learning results, a compilation of full
13 and partial credits and other achievement recognitions earned, an identification of any
14 gaps between the student's achievement and the achievement typical of the student's peers
15 and a plan for maximizing the student's progress and closing identified gaps.

16 4. It amends the law regarding continuing educational progress during and after
17 education disruption to provide uniform expectations for schools to support the academic
18 progress of all students experiencing education disruption regardless of the type of
19 education disruption, including developing or updating a school work recognition plan
20 within 10 school days and making available instructional materials for students within 5
21 school days of a school becoming aware of a period of education disruption. It also
22 specifies that for every student who experiences education disruption that leads to
23 enrollment in a new responsible school, the new responsible school shall provide the
24 student with an adult staff or mentor to facilitate the student's transition.

25 5. It requires a responsible school to assist a student experiencing education
26 disruption in completing an application for the Department of Education diploma if the
27 student will not be able to graduate by the end of the student's 4th year of secondary
28 school.

29 6. It creates credit accrual options for a student experiencing education disruption
30 who changes schools after the student's 2nd year of high school, requiring schools to
31 either award credit for a similar course taken elsewhere, waive a specific graduation
32 requirement or provide an alternative means by which the student can earn the needed
33 credit in time to graduate. It allows a student to receive a diploma from a previously
34 attended school if the student can meet the requirements of that school but cannot
35 complete the new school's graduation requirements.

36 **FISCAL NOTE REQUIRED**

37 **(See attached)**



129th MAINE LEGISLATURE

LD 1916

LR 2862(02)

An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care

Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Requires a responsible school to provide every new student experiencing education disruption with an adult staff or volunteer mentor to facilitate the student's transition to the new school.	School	Moderate statewide
Adds migrant students and immigrant students to the number of students to which a responsible school must:	School	Moderate statewide
1) provide support for and assist in the completion and submission of an application for a Department of Education diploma if requested to do so;		
2) provide staff assistance to ensure the complete transfer of all records, grades, full and partial credits and all academic material;		
3) develop or update a school work recognition plan within 10 days of the school becoming aware of the student experiencing education disruption; and		
4) make individual educational materials such as curricula and assignments available within 5 days of the school becoming aware that the student is experiencing a period of absence due to education disruption.		

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

To the extent that volunteer mentors are available to facilitate the transition of a new student that is experiencing education disruption to the new school, the fiscal impact to the responsible school may be mitigated. The impact to individual school administrative units will depend on the number of students experiencing education disruption due to migrancy or immigration attending the school.