

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1318

S.P. 424

In Senate, March 29, 2021

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

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Representative BRENNAN of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **§257-A. Department of Education diploma**

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

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

12 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the  
13 following terms have the following meanings.

14 A. "Community provider" has the same meaning as in section 5161, subsection 1-B.

15 B. "Education disruption" has the same meaning as in section 5161, subsection 2-A.

16 C. "Responsible school" has the same meaning as in section 5161, subsection 5-A and  
17 includes a school identified pursuant to section 5163, subsection 6.

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

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

24 **3. Process.** ~~A student who seeks a Department of Education diploma shall submit an~~  
25 ~~application to the commissioner, including such evidence of student achievement and other~~  
26 ~~information as is required by the commissioner~~ The responsible school shall provide  
27 support for and assist in the completion and submission to the commissioner of an  
28 application for a Department of Education diploma for any student who has experienced  
29 one or more education disruptions during the student's educational history on the request  
30 of the student's parent or guardian or on the request of the student if the student is at least  
31 18 years of age or is a student experiencing homelessness. Community providers may also  
32 assist in the application process. The commissioner may require only information on an  
33 application necessary to show that the student has completed the minimum requirements  
34 for a high school diploma pursuant to section 4722. The commissioner may not require  
35 additional information or an interview with the student. Evidence of student achievement  
36 that a student has met these requirements may include, but is not limited to, transcripts,  
37 waivers, academic reports and school work recognition plans. The commissioner shall  
38 form a review team to review the provided evidence of student achievement and to make a  
39 recommendation to the commissioner on the awarding of a diploma under this section. The  
40 review team may seek clarification of the evidence provided but may not impose additional  
41 requirements beyond those specified in the application. The commissioner shall make the  
42 final determination of eligibility for a diploma under this section.

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

2           **1-B. Community provider.** "Community provider" means a governmental or  
3 nongovernmental entity that provides services to students or families, including but not  
4 limited to temporary and permanent housing, case management, immigration and language  
5 services and social, behavioral health, occupational training and legal services.

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

8           **2-A. Education disruption.** "Education disruption" means disruption of the  
9 educational program of an elementary or secondary school student as a result of:

- 10           A. Homelessness or foster care placement;
- 11           B. Absence for 10 or more consecutive school days due to placement in an interim  
12 program; ~~or~~
- 13           C. Enrollment in 3 or more schools or educational programs in a single school year;  
14 or
- 15           D. The student's being an immigrant student or a migrant student.

16 "Education disruption" does not include an absence for 10 or more consecutive school days  
17 as a result of a planned absence for a reason such as a family event or a medical absence  
18 for a planned hospitalization or recovery or pursuant to a superintendent's determination  
19 developed in accordance with section 5205, subsection 2.

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

21           **2-B. Foster care placement.** "Foster care placement" means placement of a child in  
22 substitute 24-hour care for children placed away from their parents or guardians and for  
23 whom the child placing agency has placement and care responsibility, including, but not  
24 limited to, placement in a family foster home, foster home of a relative, group home,  
25 emergency shelter, residential facility, child care institution or preadoptive home. For the  
26 purposes of this subsection, a placement is a foster care placement regardless of whether  
27 the foster care facility is licensed and payments are made by the State or a tribal or local  
28 agency for the care of the child, whether adoption subsidy payments are being made prior  
29 to the finalization of an adoption or whether there is federal matching of any payments that  
30 are made.

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

32           **2-C. Immigrant student.** "Immigrant student" means a student who was not born in  
33 any state or territory of the United States, including the District of Columbia and the  
34 Commonwealth of Puerto Rico, and has not attended one or more schools in any one or  
35 more states or territories for more than 3 full academic years in the aggregate.

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

37           **4-A. Migrant student.** "Migrant student" means a student who has been identified as  
38 a migratory child by the United States Department of Education's migrant education  
39 program with a certificate of eligibility pursuant to the federal Every Student Succeeds Act,  
40 20 United States Code, Chapter 70, Subchapter 1, Part C and related regulations.

1           **Sec. 7. 20-A MRSA §5161, sub-§6**, as repealed and replaced by PL 2013, c. 439,  
2 §11, is amended to read:

3           **6. School work recognition plan.** "School work recognition plan" means a written  
4 plan document, developed and updated in collaboration among the responsible school, the  
5 student, the student's parents or guardians, previous schools the student attended, interim  
6 programs the student attended and other relevant agencies, that outlines how a student who  
7 is experiencing, or who has experienced, an education disruption ~~will make~~ is making and  
8 demonstrate ~~is demonstrating~~ progress toward achievement of learning results. A school  
9 work recognition plan includes but is not limited to:

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

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

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

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

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

16           **11. Student experiencing homelessness.** "Student experiencing homelessness"  
17 means a student who has been identified by a school administrative unit as a homeless child  
18 or youth as defined in the federal McKinney-Vento Homeless Assistance Act, 42 United  
19 States Code, Chapter 119.

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

22           **3. Education disruption due to ~~multiple transfers~~.** The responsible school at the  
23 ~~time of a 3rd or subsequent educational enrollment in a school year shall:~~

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

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

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

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

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

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

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

9           **5-A. Mentorship.** For every student experiencing education disruption that leads to  
10 enrollment in a new responsible school, the new responsible school shall provide the  
11 student with an adult staff or volunteer mentor to facilitate the student's transition.

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

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

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

24           **§5165. Graduation of a student experiencing education disruption who is enrolled in**  
25 **more than one school after the student's 2nd year in high school**

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

33           **2. Award of diploma from previously attended school.** If a student experiencing  
34 education disruption who attends more than one school after the student's 2nd year in high  
35 school cannot meet the graduation requirements of the responsible school but can meet  
36 those of the previously attended school, the student must be awarded a diploma by the  
37 previously attended school. The responsible school and the previously attended school  
38 shall work together to ensure the student is supported in completing any specific remaining  
39 requirements.

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

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## SUMMARY

This bill amends the laws regarding students who experience education disruption and Department of Education diplomas as follows.

1. It amends the definition of "education disruption" to include migrant students who have been identified as such by the United States Department of Education's migrant education program and immigrant students who have not been attending one or more schools in any one or more states or territories for more than 3 full academic years in the aggregate.

2. It amends the process for applying for a Department of Education diploma by requiring that the responsible school provide support for the completion and submission of an application for a Department of Education diploma for students who have experienced education disruption, provides that community providers may assist in the application process and specifies that a diploma may be issued to a student who completes the minimum requirements for a high school diploma and that, while the Commissioner of Education's review team may seek clarification on evidence submitted, the commissioner may not require additional information.

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

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

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

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