



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1916

S.P. 663

In Senate, December 24, 2019

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2019. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 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 CRAVEN of Lewiston and
Senators: CLAXTON of Androscoggin, DOW of Lincoln, WOODSOME of York,
Representatives: BERRY of Bowdoinham, EVANGELOS of Friendship, FECTEAU of
Biddeford, Speaker GIDEON of Freeport, MOONEN 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
3 read:

4 **§257-A. Department of Education diploma**

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

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

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

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

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

18 C. "Student experiencing homelessness" means a student who has been identified by
19 a school administrative unit or local education agency as a homeless child or youth as
20 defined in the federal McKinney-Vento Homeless Education Assistance
21 Improvements Act of 2001, 42 United States Code, Section 11431, et seq.

22 **2. Standard for awarding diploma.** The commissioner shall issue a diploma under
23 this section only to a student who demonstrates achievement of the content standards of
24 the system of learning results established pursuant to section 6209.

25 **3. Process.** ~~A student who seeks a Department of Education diploma shall submit an~~
26 ~~application to the commissioner, including~~ The responsible school shall submit an
27 application for a Department of Education diploma to the commissioner on behalf of any
28 student who has experienced one or more education disruptions during the student's
29 educational history on the request of the student's parent or guardian or on the request of
30 the student if the student is at least 18 years of age or is a student experiencing
31 homelessness. The parent or guardian of such a student or a student who is at least 18
32 years of age or is a student experiencing homelessness may submit an application directly
33 to the commissioner, and the responsible school shall assist in the application process.
34 An application must include such evidence of student achievement and other information
35 as is required by the commissioner. Evidence of student achievement may include, but is
36 not limited to, transcripts, waivers, academic reports and school work recognition plans.
37 The commissioner shall form a review team to review evidence of student achievement
38 and to make a recommendation to the commissioner on the awarding of a diploma under
39 this section. The commissioner shall make the final determination of eligibility for a
40 diploma under this section.

1 **4. Exception for award of diploma for student experiencing homelessness or in**
2 **foster care.** Notwithstanding subsection 3, upon receipt of an application for a diploma
3 for a student experiencing homelessness or who has been in foster care, the commissioner
4 shall issue a diploma under this section and may not require additional information or an
5 interview with the student if the student meets the standard for awarding a diploma under
6 subsection 2 and:

7 A. Has been identified as a student experiencing homelessness at any time after
8 beginning grade 7 or has been in foster care;

9 B. Is unable to satisfy the requirements for a diploma from a school administrative
10 unit by the end of the student's 4th year of secondary school; and

11 C. Has been enrolled in more than one school after the student's 2nd year of
12 secondary school.

13 **Sec. 2. 20-A MRSA §4722, sub-§6-A** is enacted to read:

14 **6-A. Exception for students who are experiencing homelessness or in foster**
15 **care.** A secondary school shall award a diploma to a student who:

16 A. At any time after beginning grade 9 has been identified by a school administrative
17 unit or local education agency as a homeless child or youth as defined in the federal
18 McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42
19 United States Code, Section 11431, et seq., or has been in foster care;

20 B. Is unable to satisfy the requirements for a diploma from the current school
21 administrative unit by the end of the student's 4th year of secondary school;

22 C. Has been enrolled in more than one school after the student's 2nd year of
23 secondary school; and

24 D. Would have been able to satisfy the requirements for a diploma from the school
25 administrative unit where the student previously attended secondary school by the
26 end of the student's 4th year of secondary school had the student remained at that
27 school.

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

30 B. Compile for the student the partial and full credits or other recognition received
31 by the student to date, provide priority enrollment in classes in which the student has
32 partial credits, identify gaps between that compilation and the credits or recognition
33 typically earned by the student's peers and identify options for the student to close
34 those gaps, if possible including but not limited to immediately enrolling the student
35 in classes or programs.

36 **Sec. 4. 20-A MRSA §5163, sub-§4,** as enacted by PL 2013, c. 439, §15, is
37 amended to read:

38 **4. Education disruption due to homelessness or foster care placement.** The
39 responsible school at the time of education disruption due to homelessness or foster care
40 placement shall:

1 A. Within 5 school days of becoming aware of the education disruption due to
2 homelessness or foster care placement, ~~make available to the student individual~~
3 ~~educational materials such as curricula and assignments designed to enable the~~
4 ~~student to continue the student's educational programming; and;~~

5 (1) Make available to the student individual educational materials such as
6 curricula and assignments designed to enable the student to continue the student's
7 educational programming; and

8 (2) Provide the student with an adult mentor at the school to facilitate the
9 student's transition into the school; and

10 B. Within 10 days of becoming aware of the education disruption due to
11 homelessness or foster care placement, ~~work with the student and the parent or~~
12 ~~guardian to develop or update a school work recognition plan for the student.;~~

13 (1) Work with the student and the parent or guardian to develop or update a
14 school work recognition plan for the student;

15 (2) Contact and coordinate with prior schools to ensure the award of all partial
16 and full credits and other recognition the student has earned;

17 (3) Provide immediate enrollment in classes in which the student has earned
18 partial credits; and

19 (4) Identify gaps between credits earned by the student and the credits or
20 recognition typically earned by the student's peers and identify options for the
21 student to close those gaps, including but not limited to immediately enrolling the
22 student in classes or programs.

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

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

32 **Sec. 6. 20-A MRSA §5164, last ¶,** as enacted by PL 2013, c. 439, §15, is
33 amended to read:

34 If it is determined by the responsible school and the student that the student cannot
35 meet the school's requirements for graduation by the end of the student's 4th year of
36 secondary school, the responsible school shall provide the student information about
37 applying for a Department of Education diploma and shall submit an application on
38 behalf of the student or shall assist the student in making the application as required
39 pursuant to section 257-A, subsection 3.

SUMMARY

This bill does the following.

1. It amends the process for applying for a Department of Education diploma by requiring that the responsible school apply on behalf of a student who has experienced one or more education disruptions on request. The student's parent or guardian or a student who is over 18 years of age may still apply directly to the Department of Education, and the school must assist the student in the application process.

2. It provides that the Commissioner of Education must award a Department of Education diploma to a student who has experienced homelessness or has been in foster care who meets certain criteria and may not require that student to provide additional information or be interviewed.

3. It provides that a secondary school must award a diploma to a student who has experienced homelessness or foster care placement if the student meets specified criteria.

4. It provides that the responsible school for a student whose education disruption is due to multiple transfers or homelessness or foster care placement must compile for the student partial and full credits received by the student to date, provide priority enrollment in classes in which the student has received partial credit and immediately enroll the student in classes or programs to close gaps between the compilation of credits by the student and the credits typically earned by the student's peers.

5. It requires the responsible school to provide an adult mentor to students who experience education disruption due to homelessness or foster care placement to facilitate transition into the school.

6. It requires that if the responsible school determines that a student who experiences education disruption will not be able to graduate by the end of the student's 4th year of secondary school, the responsible school must provide the student information regarding a Department of Education diploma and apply on behalf of the student or assist the student in making the application.