

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

S.P. 378 - L.D. 1096

**An Act To Amend the Laws Governing Students Experiencing Education
Disruption**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §257, sub-§4, as enacted by PL 2007, c. 451, §1, is repealed.

Sec. 2. 20-A MRSA §257-A is enacted 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.

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

3. Process. A student who seeks a Department of Education diploma shall submit an application to the commissioner, including such evidence of student achievement and other information as is required by the commissioner. Evidence of student achievement may include, but is not limited to, transcripts, waivers, academic reports and school work

recognition plans. The commissioner shall form a review team to review evidence of student achievement and to make a recommendation to the commissioner on the awarding of a diploma under this section. The commissioner shall make the final determination of eligibility for a diploma under this section.

Sec. 3. 20-A MRSA §4722, sub-§3, as amended by PL 2011, c. 686, §1, is further amended to read:

3. Satisfactory completion. A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. Children with disabilities, as defined in section 7001, subsection 1-B, who successfully meet the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objectives of their individualized education plans, may be awarded a high school diploma. Career and technical students may, with the approval of the commissioner, satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A.

~~Students who experience education disruption, as defined in section 5001-A, subsection 4, paragraph F, who successfully demonstrate achievement of the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to secondary school students as set forth in their school work recognition plans as defined in section 5161, subsection 6 must, with the approval of the commissioner, be awarded a Department of Education diploma as defined in section 5161, subsection 2.~~

Sec. 4. 20-A MRSA §4722-A, sub-§3, ¶C, as enacted by PL 2011, c. 669, §7, is repealed.

Sec. 5. 20-A MRSA §5031, sub-§1, ¶C, as enacted by PL 2011, c. 614, §12, is amended to read:

C. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, other descriptors of academic success for school-age students on a statewide aggregate basis, including the rates of attainment of a:

- (1) Department of Education diploma as described under section ~~5161~~ 257-A;
- (2) High school equivalency diploma as described under section 257; and
- (3) High school equivalency diploma obtained through a high school completion course that includes general educational development preparation courses from an adult education program as described in chapter 315.

Sec. 6. 20-A MRSA §5161, sub-§1-A is enacted to read:

1-A. Academic programming agreement. "Academic programming agreement" means an agreement between an interim program and a responsible school through which the responsible school agrees to accept the academic programming, credits and documentation of achievement of standards completed by a student in the interim program.

Sec. 7. 20-A MRSA §5161, sub-§2, as enacted by PL 2007, c. 451, §6, is repealed and the following enacted in its place:

2. Department of Education diploma. "Department of Education diploma" means a diploma awarded under section 257-A.

Sec. 8. 20-A MRSA §5161, sub-§2-A is enacted to read:

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

A. Homelessness or foster care placement;

B. Absence for 10 or more consecutive school days due to placement in an interim program; or

C. Enrollment in 3 or more schools or educational programs in a single school year.

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

Sec. 9. 20-A MRSA §5161, sub-§3-A is enacted to read:

3-A. Interim program. "Interim program" means:

A. A youth development center;

B. A hospital or other facility for the purpose of unplanned medical or psychiatric treatment; or

C. Any other program or school approved by the department, except a program or school in which a student is placed pursuant to an individual education plan or a superintendent transfer under section 5205.

Sec. 10. 20-A MRSA §5161, sub-§5-A is enacted to read:

5-A. Responsible school. "Responsible school" means the school responsible for developing or updating a school work recognition plan.

Sec. 11. 20-A MRSA §5161, sub-§6, as enacted by PL 2007, c. 451, §6, is repealed and the following enacted in its place:

6. School work recognition plan. "School work recognition plan" means a written plan that outlines how a student who is experiencing, or who has experienced, an

education disruption will make and demonstrate progress toward achievement of learning results.

Sec. 12. 20-A MRSA §5161, sub-§9, as enacted by PL 2007, c. 451, §6, is repealed.

Sec. 13. 20-A MRSA §5161, sub-§10 is enacted to read:

10. Student. "Student" means an elementary school or secondary school student.

Sec. 14. 20-A MRSA §5162, as enacted by PL 2007, c. 451, §6, is repealed.

Sec. 15. 20-A MRSA §§5163 and 5164 are enacted to read:

§5163. Continuing educational progress during and after education disruption

1. Education disruption due to interim program placement. The responsible school at the time a student is placed in an interim program shall:

A. Within 5 school days of becoming aware of the placement:

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

(2) Sign an academic programming agreement; and

B. Within 10 days of becoming aware of the placement, work with the student, the parent or guardian and others such as juvenile community corrections officers and community case managers to develop or update a school work recognition plan for the student.

2. Responsibility after placement. The responsible school for a student who is returning to educational programming following placement in an interim program shall:

A. If the responsible school is the same school as the school that was responsible during the placement, update the school work recognition plan at the time of return to educational programming to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the interim program or by the responsible school pursuant to an academic programming agreement; or

B. If the responsible school is a different school from the school that was responsible during the placement, review the student's records and the school work recognition plan developed and updated during the placement and update it to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the placement or by the responsible school pursuant to an academic programming agreement.

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

A. Within 10 school days of the school's or program's becoming aware that the student is enrolling in the 3rd school or program in a school year, work with the

student, parent or guardian and staff of other schools and programs in which the student participated to develop or update a school work recognition plan; and

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

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

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

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

5. Staff assistance. For every student who experiences education disruption due to placement in an interim program, professional staff in the responsible school must be assigned to ensure the complete transfer of all records, grades and credits and all academic material, including an academic programming agreement, if applicable, from the interim program in which the student was placed to the responsible school no later than 5 school days after the student enrolls in the responsible school.

6. Identification of responsible school. For purposes of implementing this section:

A. The responsible school for a student at the time the student enters an interim program is the school in which the student is enrolled at the time of entrance to the interim program. If the student is not enrolled at the time of entrance to the interim program, the responsible school is the one in which the student would be enrolled pursuant to chapter 213;

B. The responsible school for a student during the placement is the same as the school described in paragraph A;

C. The responsible school for a student at the time the student returns to regular educational programming following placement is the school in which the student is enrolled or is entitled to be enrolled;

D. The responsible school for a student who enrolls in a 3rd or subsequent educational program in a single school year is the school in which the student enrolls; and

E. The responsible school for a student who experiences education disruption due to homelessness or foster care placement is the school in which the student is enrolled or is entitled to be enrolled.

§5164. Planning for graduation

If the student who experiences education disruption is between 16 years of age and 20 years of age, the school work recognition plan developed or updated following the education disruption must include a description of what the student must do in order to qualify to graduate with the student's peers or within a reasonable time thereafter.

If it is determined by the responsible school and the student that the student cannot meet the school's requirements for graduation, the responsible school shall provide the student information about applying for a Department of Education diploma and shall assist the student in making the application.

Sec. 16. 20-A MRSA §6001-B, sub-§1, as amended by PL 2007, c. 451, §7, is further amended to read:

1. Education records must follow students who transfer. Education records must follow students who transfer to a school in another school administrative unit in the State. The education records of students who transfer from educational programs or schools for juveniles located in or operated by correctional facilities or out-of-state schools are also subject to this requirement. For a student who ~~experiences education disruption~~ is placed in an interim program, as defined in section 5161, subsection ~~9 3-A~~, the ~~sending~~ responsible school pursuant to section 5163 shall send or electronically transfer pertinent records, including but not limited to academic and health information records, to the ~~receiving school or educational~~ interim program no later than 5 school days after ~~becoming aware that the student enrolls in the receiving school or educational~~ has entered the interim program.