

## OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Education and Cultural Affairs  
From: Samuel Senft, Esq., MPH Legislative Analyst  
Date: May 5, 2021  
Subj: **LD 1318, "An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption" (Libby)**

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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.

## TESTIMONY

- **Proponents: Sen Libby (sponsor); Patricia Julianelle, SchoolHouse Connection; Stephanie Primm, Knox County Homeless Coalition; Allie Smith, New Beginnings**
  - In 2018, the overall high school graduation rate in Maine was 86.8 percent, for youth experiencing homelessness, it was 57.7 percent and for youth in foster care, it was only 56 percent
  - As currently drafted, LD 1318 creates a pathway for youth to get a state school diploma rather than a school-specific diploma
  - Youth without a high school diploma or GED are 4.5 times more likely to experience homelessness as young adults
  - States like Montana, Nevada, New Mexico, Kentucky, California, Texas, Oregon, and Washington have laws that streamline and facilitate access to state diplomas for students experiencing homelessness; exempt students from district-specific graduation requirements when they get off track due to changing schools in high school; and streamline the award and accrual of partial credits.
  - The high mobility, trauma, hunger, and other effects of homelessness mean that for some students, an adjusted or alternative diploma may be their only path to graduation
  - LD 1318 provides appropriate flexibility for students, schools, and the Department of Education to maximize high school graduation while ensuring students meet the necessary requirements and proficiencies to be ready for the workforce and for post-secondary education.
  - LD 1318 will improve implementation of several requirements of the federal McKinney-Vento Act, including that states have “procedures that ensure that... [homeless] youths ... are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit

for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies.”

- the Every Student Succeeds Act requires disaggregation of graduation data for homeless and foster students
  - Two of biggest issues homeless students face are a lack of credit portability from school district to school district and partial credit accumulation rather than completion when they are experiencing a housing crisis
  - In the 2017-18 school year in Maine, 351 students were identified as unaccompanied homeless youth by the Maine Department of Education, this number does not even include those children and youth who experience homelessness as part of a family.
  - According to the US Census Bureau the average high school graduate earns \$10,386 more per year than someone who does not graduate.
  - About half of homeless youth change schools at least once between the ages of 10 and 17. Nearly a quarter change schools more than once.
- **Opponents**
  - **Neither For Nor Against: Holy Couturier, MPA**
    - Many of the items included in bill already occur
    - Support aligning definitions

#### **TECHNICAL PROBLEMS/TECHNICAL ISSUES FOR CONSIDERATION:**

- It is possible this bill will be flagged as a potential mandate

#### **ADDITIONAL INFORMATION:**

- [LD 1916](#), *An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care* was considered by the Education Committee in the 129<sup>th</sup> Legislature. It received a divided report out of committee and died upon the adjournment of the session. LD 1916 is similar but not identical to LD 1318. The former appeared to focus on children homeless children generally, while the later specifically includes migrant children in the target population of students facing education disruption, but also includes homeless children.
- The McKinney Veto Act deals with the education of homeless children. [42 U.S.C. §11432\(g\)\(1\)\(F\)\(ii\)](#) describes the requirements for grants awarded by the federal government to states and localities for activities related to the education of homeless children.

**PRELIMINARY FISCAL IMPACT STATEMENT: Not yet determined.**