

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 806

H.P. 595 House of Representatives, March 17, 1987  
Reference to the Committee on Education suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative ROLDE of York.  
Cosponsored by Representative KIMBALL of Buxton.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Provide for the Education of  
2 Students Residing in Long-term Drug  
3 Treatment Centers.  
4

5 Emergency preamble. Whereas, Acts of the Legis-  
6 lature do not become effective until 90 days after  
7 adjournment unless enacted as emergencies; and

8 Whereas, school-age residents of long-term drug  
9 treatment centers are urgently in need of education  
10 programs while overcoming their dependency problems;  
11 and

12 Whereas, if these students are provided an educa-  
13 tional program comparable to that of their peers in  
14 the public schools, there is an excellent chance that

1 they will become productive members of society; and

2 Whereas, responsibility for their education is  
3 unclear in present law for students residing outside  
4 their own school units. The funding mechanism of  
5 2-year old cost subsidies is outdated. Current law  
6 impedes and discourages school units from undertaking  
7 education programs for nonresident students being  
8 treated at drug treatment centers located within the  
9 unit; and

10 Whereas, in the judgment of the Legislature,  
11 these facts create an emergency within the meaning of  
12 the Constitution of Maine and require the following  
13 legislation as immediately necessary for the preser-  
14 vation of the public peace, health and safety; now,  
15 therefore,

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

18 Sec. 1. 20-A MRSA c. 325 is enacted to read:

19 CHAPTER 325

20 STUDENTS IN LONG-TERM DRUG TREATMENT CENTERS

21 §9701. Definitions

22 As used in this chapter, unless the context oth-  
23 erwise indicates, the following terms have the fol-  
24 lowing meanings.

25 1. Drug treatment center. "Drug treatment cen-  
26 ter" means a facility as defined in Title 22, section  
27 8001, which provides drug and alcohol abuse treat-  
28 ment.

29 2. Eligible student. "Eligible student" means  
30 any resident of the State between the ages of 5 and  
31 20 who is otherwise eligible for public schooling un-  
32 der this Title.

33 3. Long-term treatment. "Long-term treatment"  
34 means treatment in a drug treatment center designed  
35 to provide treatment for a period in excess of 60  
36 days.

1     §9702. Program responsibility

2             A school administrative unit in which is located  
3     a licensed drug treatment center shall provide an ed-  
4     ucation program, as prescribed by the commissioner,  
5     for each eligible student residing in the center not-  
6     withstanding the student's legal residence within the  
7     State.

8     §9703. Initial program approval

9             Each such school unit shall submit a program plan  
10    for education services to be approved by the commis-  
11    sioner. The program plan shall include the following  
12    components:

13            1. Planning; approved. Evidence of collabora-  
14    tive planning with officials and staff of center and  
15    approval of the center's governing board;

16            2. Licensure. Proof that the facility is li-  
17    censed by the Department of Human Services and com-  
18    plies with the rules adopted by that department;

19            3. Educational activities. Educational activi-  
20    ties and an evaluation component suitable to the age  
21    and educational needs of the eligible students;

22            4. Accounting. An accounting of all eligible  
23    students who will be provided educational services by  
24    the program and a plan for continued accurate ac-  
25    counting of the students; and

26            5. Line-item budget. A line-item budget submit-  
27    ted no later than 90 days prior to the fiscal year in  
28    which the program will operate. The proposed budget  
29    request may not exceed, on a per student basis, the  
30    state average tuition rate for a total of 12 students  
31    as provided in sections 5804 and 5805.

32            The commissioner or a designee shall approve the  
33    program plan in a timely manner in order that appro-  
34    priate budgeting may occur before the start of the  
35    school unit's fiscal year. Approval shall include a  
36    payment schedule for disbursement of program funds to  
37    the school unit in the fiscal year of the program's  
38    operation.

1 §9704. Appeal process

2 A school unit required to offer an education pro-  
3 gram of this type or a drug treatment center which  
4 treats eligible students may appeal to the commis-  
5 sioner in the event agreement cannot be reached be-  
6 tween them. The commissioner's decision on the pro-  
7 gram in such an appeal shall be rendered within 60  
8 days and shall be final.

9 §9705. Renewal of program approval

10 Each school unit operating an education program  
11 for eligible students at drug treatment centers shall  
12 file an annual report, a proposed budget for the en-  
13 suing fiscal year and an application for renewal of  
14 program approval as prescribed by the commissioner.

15 §9706. Rule-making authority

16 The commissioner shall adopt rules to implement  
17 this chapter and the funding scheme under the School  
18 Finance Act.

19 Sec. 2. 20-A MRSA §15612, sub-§10 is enacted to  
20 read:

21 10. Adjustment for cost of educating eligible  
22 students in long-term drug treatment centers. A  
23 school administrative unit which operates an educa-  
24 tion program, approved pursuant to sections 9701 to  
25 9706 to serve eligible students in licensed drug  
26 treatment centers, shall be reimbursed in the year  
27 which costs are incurred as follows:

28 A. Reimbursements shall be limited to a maximum  
29 of 12 state average tuition rates per year for  
30 each approved plan;

31 B. The rate of reimbursement per student shall  
32 not exceed the state average tuition rates in ef-  
33 fect during the year of placement as computed un-  
34 der sections 5804 and 5805; and

35 C. The funds for the adjustment shall be limited  
36 to the amount appropriated by the Legislature for  
37 that purpose.

