

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2333

H.P. 1700 House of Representatives, February 23, 1988
Submitted by the Department of Educational and Cultural
Services pursuant to Joint Rule 24.
Reference to the Committee on Education suggested and
ordered printed.

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

Cosponsored by Representatives ROLDE of York, MATTHEWS of
Caribou, and Senator PERKINS of Hancock.

STATE OF MAINE

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

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
6 Legislature do not become effective until 90 days
7 after adjournment unless enacted as emergencies; and

8 Whereas, school-age residents of long-term drug
9 treatment centers are urgently in need of educational

1 programs while overcoming their dependency problems;
2 and

3 Whereas, if these students are provided an
4 educational program comparable to that of their peers
5 in the public schools, there is an excellent chance
6 that they will become productive members of society;
7 and

8 Whereas, responsibility for their education is
9 unclear in present law for students residing outside
10 their own school units. The funding mechanism of
11 2-year-old cost subsidies is outdated. Current law
12 impedes and discourages school units from undertaking
13 educational programs for nonresident students being
14 treated at drug treatment centers located within the
15 unit; and

16 Whereas, in the judgment of the Legislature, these
17 facts create an emergency within the meaning of the
18 Constitution of Maine and require the following
19 legislation as immediately necessary for the
20 preservation of the public peace, health and safety;
21 now, therefore,

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

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

25 CHAPTER 325

26 STUDENTS IN LONG-TERM DRUG TREATMENT CENTERS

27 §9701. Definitions

28 As used in this chapter, unless the context
29 otherwise indicates, the following terms have the
30 following meanings.

31 1. Drug treatment center. "Drug treatment
32 center" means a facility as defined in Title 22,
33 section 8001, which provides drug and alcohol abuse
34 treatment.

1 2. Eligible student. "Eligible student" means
2 any resident of the State between the ages of 5 and 20
3 years who is otherwise eligible for public schooling
4 under this Title.

5 3. Long-term treatment. "Long-term treatment"
6 means treatment in a drug treatment center designed to
7 provide treatment for a period in excess of 60 days.

8 §9702. Program responsibility

9 A school administrative unit in which a licensed
10 drug treatment center is located shall provide an
11 educational program, as prescribed by the
12 commissioner, for each eligible student residing in
13 the center, notwithstanding the student's legal
14 residence within the State.

15 §9703. Initial program approval

16 Each such school unit shall submit a program plan
17 for educational services to be approved by the
18 commissioner. The program plan shall include the
19 following components:

20 1. Planning; approved. Evidence of collaborative
21 planning with officials and staff of the center and
22 approval of the center's governing board;

23 2. Licensure. Proof that the facility is
24 licensed by the Department of Human Services and
25 complies with the rules adopted by that department;

26 3. Educational activities. Educational
27 activities and an evaluation component suitable to the
28 age and educational needs of the eligible students;

29 4. Accounting. An accounting of all eligible
30 students who will be provided educational services by
31 the program and a plan for continued accurate
32 accounting of the students; and

33 5. Line-item budget. A line-item budget
34 submitted no later than 90 days prior to the fiscal

1 year in which the program will operate. The proposed
2 budget request may not exceed, on a per student basis,
3 the state average tuition rate for a total of 12
4 students as provided in sections 5804 and 5805.

5 The commissioner or a designee shall approve the
6 program plan in a timely manner in order that
7 appropriate budgeting may occur before the start of
8 the school unit's fiscal year. Approval shall include
9 a payment schedule for disbursement of program funds
10 to the school unit in the fiscal year of the program's
11 operation.

12 §9704. Appeal process

13 A school unit required to offer an educational
14 program or a drug treatment center which treats
15 eligible students may appeal to the commissioner in
16 the event agreement cannot be reached between them.
17 The commissioner's decision on the program in such an
18 appeal shall be rendered within 60 days and shall be
19 final.

20 §9705. Renewal of program approval

21 Each school unit operating an educational program
22 for eligible students at drug treatment centers shall
23 file an annual report, a proposed budget for the
24 ensuing fiscal year and an application for renewal of
25 program approval as prescribed by the commissioner.

26 §9706. Rule-making authority

27 The commissioner shall adopt rules to implement
28 this chapter and the funding scheme under the School
29 Finance Act.

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

32 10. Adjustment for cost of educating eligible
33 students in long-term drug treatment centers. A
34 school administrative unit which operates an
35 educational program, approved pursuant to sections
36 9701 to 9706 to serve eligible students in licensed

1 drug treatment centers, shall be reimbursed in the
2 year in which costs are incurred as follows:

3 A. Reimbursements shall be limited to a maximum
4 of 12 state average tuition rates a year for each
5 approved plan;

6 B. The rate of reimbursement per student shall
7 not exceed the state average tuition rates in
8 effect during the year of placement as computed
9 under sections 5804 and 5805; and

10 C. The funds for the adjustment shall be limited
11 to the amount appropriated by the Legislature for
12 that purpose.

13 Emergency clause. In view of the emergency
14 cited in the preamble, this Act shall take effect when
15 approved.

16 FISCAL NOTE

17 The funding for this bill for fiscal year 1989 is
18 identified through a \$70,000 reallocation within the
19 department's budget in the Supplemental Appropriations
20 Act. Beginning with the next biennium, funding will
21 be in accordance with the School Finance Act and
22 through the commissioner's funding level
23 recommendations for general purpose aid.

24 STATEMENT OF FACT

25 This bill establishes a means to provide
26 educational programs for students who reside in
27 long-term drug treatment centers. It provides full
28 funding through the Department of Educational and
29 Cultural Services based on the submission of annual
30 plans from school administrative units in
31 collaboration with long-term drug treatment
32 facilities. This bill ensures that students residing
33 in long-term drug treatment facilities, who do not now
34 benefit from services at their home schools or from
35 special educational programs, will receive appropriate
36 educational services.

37