

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1236

S.P. 377

In Senate, February 25, 1997

An Act to Amend the Laws Relating to State Agency Clients.

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SMALL of Sagadahoc.
Cosponsored by Senator O'GARA of Cumberland, Representatives: BELANGER of Caribou,
BRENNAN of Portland.

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

2 **Sec. 1. 20-A MRSA §1, sub-§34-A,** as amended by PL 1995, c.
4 569, §1, is further amended to read:

6 **34-A. State agency client.** "State agency client" means a
8 child of eligible school age who is:

10 A. In the care or custody, or both, of the Department of
12 Human Services, or the Department of Mental Health, Mental
 Retardation and Substance Abuse Services ~~or the Department~~
 ~~of Corrections;~~

14 B. ~~Placed, with the recommendation of a Division of Mental~~
16 ~~Retardation case manager or an employee of the Bureau of~~
 ~~Children with Special Needs, Department of Mental Health,~~
18 ~~Mental Retardation and Substance Abuse Services~~ by a
20 caseworker from the Department of Human Services or an
 authorized agent of Children's Services, Department of
22 Mental Health, Mental Retardation and Substance Abuse
 Services for reasons other than educational reasons, with a
 person who is not the child's parent, legal guardian or
 relative;

24 C. ~~On entrustment or absent with leave status from the~~
26 ~~Maine Youth Center; or~~

28 D. Attending a public or private school while still a
30 resident of a state-operated institution; or

32 E. In the custody or under the supervision of the
 Department of Corrections, including, but not limited to, a
34 juvenile on conditional release, an informally adjusted
 juvenile, a probationer or a juvenile on aftercare status
36 from the Maine Youth Center and who is placed, for reasons
 other than educational reasons, pursuant to a court order or
38 with the agreement of any employee of the Department of
 Corrections, outside the juvenile's home.

40 Notwithstanding paragraphs A to ~~D~~ E, a "state agency client" may
42 in addition be either a child who is under 3 years of age and has
 a diagnosed, established condition or a biological factor that
44 has a high probability of resulting in developmental delay or a
 child who is under 6 years of age and in need of early
46 intervention of special education services due to a delay in one
 or more of the following areas: cognitive development; physical
48 development, including vision and hearing; communication
 development; social or emotional development; and adaptive
 development.

50 **Sec. 2. 20-A MRSA §5205, sub-§3,** as enacted by PL 1981, c.
52 693, §§5 and 8, is amended to read:

2 **3. Students placed by state agencies.** A student who is
3 placed by a state agency, ~~child placement agency or parent in a~~
4 ~~nonfamily foster home in a residential placement other than a~~
5 ~~residential treatment center, as defined in section 1, subsection~~
6 ~~24-A, paragraph D, subparagraph 3, shall be~~ is considered a
7 resident of the school administrative unit where the ~~foster home~~
8 ~~residential placement is located, if,~~

10 ~~A. The state agency, child placement agency or parent~~
11 ~~proves to the school administrative unit's satisfaction that~~
12 ~~the costs of educating that student will be paid to the~~
13 ~~school administrative unit in the year they are incurred; and~~

14 ~~B. The school administrative unit has agreed to accept~~
15 ~~tuition students under this Title.~~

18 **Sec. 3. 20-A MRSA §15604, sub-§1, ¶C,** as enacted by PL 1983,
19 c. 859, Pt. G, §§2 and 4, is amended to read:

22 C. Special education tuition and board, excluding medical
23 costs, defined as follows:

24 (1) Tuition and board for pupils placed by school
25 administrative units;

26 (2) Tuition and board for pupils placed directly by
27 the State in accordance with rules adopted or amended
28 by the commissioner;

29 (3) Special education tuition and other tuition for
30 institutional residents of state-operated institutions
31 attending programs in school administrative units or
32 private schools in accordance with rules adopted or
33 amended by the commissioner; and

34 (4) Adjustments under section 15612, subsection 6;

38 **Sec. 4. 20-A MRSA §15607, sub-§9, ¶B,** as amended by PL 1989, c.
39 875, Pt. E, §28, is further amended to read:

42 B. Special educational tuition and other tuition for
43 residents of state-operated institutions attending programs
44 in school administrative units or private schools in
45 accordance with rules adopted or amended by the commissioner.

46 **Sec. 5. 20-A MRSA §15613, sub-§6,** as enacted by PL 1983, c.
47 859, Pt. G, §§2 and 4, is amended to read:

50 **6. Education of institutional residents.** The commissioner
may pay tuition to school administrative units or private schools

for institutional residents within the limits of the
appropriation made under section 15607, subsection 12.

SUMMARY

This bill amends the statutes regarding state agency clients to conform with the new organizational structures in other state agencies. It also amends the definition of "state agency clients" as it pertains to students involved with the Department of Corrections and clarifies the right to attend school for all state agency clients.