

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1394

H.P. 1002

House of Representatives, March 5, 1997

An Act to Establish a State Residential Treatment Center for Certain Students.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHARTRAND of Rockland.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BRUNO of Raymond, COWGER of Hallowell, LEMKE of Westbrook,
McKEE of Wayne, SAXL of Bangor, TOWNSEND of Portland, WINGLASS of Auburn.

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

4 **Sec. 1. 20-A MRSA §7505** is enacted to read:

6 **§7505. State residential treatment center**

8 **1. State residential treatment center.** The department may
10 establish by rule one or more state residential treatment centers
12 for primary and secondary education students to improve
achievement of those students who can not be placed in private
residential placements, especially those students with a history
of setting fires, sexual predation or extreme violence.

14 **2. Existing school.** The department may develop as a state
16 residential treatment center a public school or any portion of a
public school.

18 **3. Compliance.** A state residential treatment center must
20 comply with state law to receive state funding.

22 **4. Admission requirements.** A state residential treatment
center:

24 **A. Shall enroll all exceptional students, as defined in**
26 **section 7001, subsection 2, for whom school administrative**
28 **units have been unable to construct a program within the**
30 **unit or locate an appropriate in-state program, unless the**
32 **number of applications exceeds the capacity of a program,**
34 **class, grade level or building;**

36 **B. Shall give enrollment preference to students who meet**
38 **the criteria established in paragraph A, are Maine residents**
40 **and present the greatest need in terms of potential danger**
42 **to self or others;**

44 **C. May not limit admission based on degree of disability,**
46 **gender, ethnicity, national origin, income level or**
48 **proficiency in the English language;**

50 **D. May limit admission to students within a specific age**
group; and

E. Must consider for admission a Maine student in need of
residential treatment before that student is placed outside
the State.

5. Financing. A state residential treatment center must be
financed by the General Fund.

6. Costs. The commissioner shall develop guidelines for

2 determining the costs of tuition, board, supportive and other
3 services.

4 7. Operation. The commissioner shall operate and supervise
5 state residential treatment centers to provide education for
6 students with severe emotional disorders, especially those
7 students with a history of setting fires, sexual predation or
8 extreme violence.

10 8. Enrollment; application. The superintendent of the
11 school administrative unit in which the student resides shall
12 apply in writing for enrollment to the commissioner. An
13 application must be made in accordance with regulations or
14 guidelines set by the commissioner, even though tuition is not
15 charged to the sending unit.

16 The school administrative unit's pupil evaluation team must
17 decide to make the application, with the consent of the student's
18 parent, based on the inability on the part of the school
19 administrative unit to meet the needs of the student in any other
20 state program.

22 9. Transportation. Transportation to a state residential
23 treatment center must be provided in accordance with regulations
24 or guidelines set by the commissioner.

26 10. Rules. The rules adopted to implement this section are
27 routine technical rules for the purpose of Title 5, chapter 375,
28 subchapter II-A.

30
32 **SUMMARY**

34 This bill allows the Department of Education to establish by
35 rule one or more state residential treatment centers for primary
36 and secondary education students to improve achievement for those
37 students who cannot be placed in other private residential
38 placements. A public school or any portion of it may be
39 developed as a center. A center must comply with state law to
40 receive state funding.

42 This bill also requires a center to enroll all exceptional
43 students, for whom school administrative units have been unable
44 to construct a program within the unit or locate an appropriate
45 in-state program, unless the number of applications exceeds
46 capacity, to give preference to eligible students who are Maine
47 residents who present the greatest need and to consider for
48 admission a Maine student in need of residential treatment before
that student is placed outside the state.

2 The bill prohibits a center from limiting admission based on
4 certain criteria listed in the Maine Revised Statutes, Title
6 20-A, section 7505, subsection 4, paragraph C, but allows a
8 center to limit admission to students within a special age group.

10 The bill requires a center to be financed by the General
12 Fund and requires the Commissioner of Education to develop
14 guidelines for determining various costs. The commissioner is
16 given the authority to operate and supervise a center to provide
18 education for students with severe emotional disorders.

20 The bill also requires the superintendent of the school
administrative unit in which a student resides to apply for
enrollment in a center, in accordance with regulations and
guidelines set by the commissioner. The unit's pupil evaluation
team must decide to make the application, with the consent of the
student's parent, based on inability to meet the student's needs
in any other state program. Transportation to a center must be
provided in accordance with regulations and guidelines set by the
commissioner.