

MAINE STATE LEGISLATURE

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L.D. 1261

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DATE: 4/3/2000

(Filing No. S-634)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 424, L.D. 1261, Bill, "An Act to Require the Training of School Personnel Who Administer Medications"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §254, sub-§5, as enacted by PL 1983, c. 693, §§5 and 8, is repealed and the following enacted in its place:

5. Medication. The commissioner shall provide for the administration of medication within schools as follows.

A. The commissioner shall adopt or amend rules for the administration of medication in public or approved private schools, including the training of unlicensed personnel to administer medication. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

COMMITTEE AMENDMENT

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2 B. Any public or approved private school shall have a
4 written local policy and procedure for administering
6 medication. The written local policy must include the
8 requirement that all unlicensed personnel who administer
medication receive training before receiving authorization
to do so. Compliance with the provisions of this subsection
is a requirement for basic school approval pursuant to
sections 2902 and 4502.

10 **Sec. 2. 20-A MRSA §2902, sub-§7,** as amended by PL 1997, c.
12 266, §5, is further amended to read:

14 **7. Approval rules.** Meet the requirements applicable to the
16 approval of private schools for attendance purposes adopted
jointly by the state board and the commissioner; and

18 **Sec. 3. 20-A MRSA §2902, sub-§8,** as enacted by PL 1997, c.
20 266, §6, is amended to read:

22 **8. Release of student records.** Upon the request of a
school unit, release copies of all student records for students
transferring from the private school to the school unit; and

24 **Sec. 4. 20-A MRSA §2902, sub-§9** is enacted to read:

26 **9. Medication.** Meet the requirements for administering
28 medication under section 254, subsection 5.

30 **Sec. 5. 20-A MRSA §4502, sub-§5, ¶L,** as amended by PL 1997, c.
428, §2, is further amended to read:

32 L. Prepare Preparation and implement implementation of an
34 ongoing school improvement process and annually the annual
update of a written school improvement plan, including a
36 fully developed staff development plan for identifying
at-risk students in kindergarten to grade 12, including, but
38 not limited to, truants and dropouts and the development of
appropriate alternative programs to meet their needs; and

40 **Sec. 6. 20-A MRSA §4502, sub-§5, ¶M,** as enacted by PL 1997, c.
42 428, §3, is amended to read:

44 M. The use of time-out areas, administered in accordance
with standards adopted by the department and with this
46 paragraph. The use of a time-out area is subject to the
following:

- 48 (1) The time-out area must be well ventilated and
50 sufficiently lighted. The time-out area may not be
locked; and

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2 (2) The time-out area must be designed to ensure the
3 safety of the student so that the student is supervised
4 by a professional staff member in the room or can be
5 observed from outside of the time-out area and can be
6 heard by a person supervising the time-out area. ; and

8 **Sec. 7. 20-A MRSA §4502, sub-§5, ¶N** is enacted to read:

10 N. Preparation of a written local policy and implementation
11 of training for all unlicensed personnel who administer
12 medication in accordance with the requirements under section
13 254, subsection 5.

14 **Sec. 8. Policy implementation.** The Commissioner of Education
15 in cooperation with public and approved private schools shall
16 establish and implement the provisions of the Maine Revised
17 Statutes, Title 20-A, section 254, subsection 5, paragraph B, no
18 later than the start of the 2001-02 school year.

19 **Sec. 9. Rule-making guidelines.** The rules developed by the
20 Commissioner of Education for the training of unlicensed
21 personnel who administer medications pursuant to the Maine
22 Revised Statutes, Title 20-A, section 254, subsection 5, paragraph
23 A must follow the training model and use the training manual
24 developed by the School Health Advisory Committee.'

25 Further amend the bill by inserting at the end before the
26 summary the following:

30
32 **FISCAL NOTE**

34 This bill requires school administrative units to prepare
35 written local policy and implement training for all unlicensed
36 school personnel who administer medication to students. The
37 additional costs of the state mandate can not be determined at
38 this time. Pursuant to the Mandate Preamble, the two-thirds vote
39 of all members elected to each House exempts the State from the
40 constitutional requirement to fund at least 90% of the additional
41 costs.

42 The Department of Education will incur some minor additional
43 costs to adopt or amend rules. These costs can be absorbed
44 within the department's existing budgeted resources.'

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SUMMARY

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This amendment replaces the bill, adds a mandate preamble and accomplishes the following.

1. It requires the Commissioner of Education to adopt or amend rules for the administration of medication to students in public or approved private schools. These rules must follow the training model and use the training manual developed by the School Health Advisory Committee.

2. It requires public or approved private schools to develop written local policies and procedures for administering medication by the start of the 2001-02 school year; local policies must include a requirement that all unlicensed personnel who administer medications receive training before they are authorized to do so.

3. It provides that these requirements be added to the standards for basic school approval. These state rules and local policies and procedures must be developed and implemented for the start of the 2001-02 school year.

4. It adds a fiscal note to the bill.