

# MAINE STATE LEGISLATURE

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L.D. 2608

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DATE:

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STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1872, L.D. 2608, Bill, "An Act to Improve Educational Programming at Juvenile Correctional Facilities"

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

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

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**Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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**Whereas,** there is a need to study educational programming at juvenile correctional facilities to determine their educational programming needs and the best way to meet those needs; and

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

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

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**Sec. 1. 20-A MRSA §4502, sub-§1,** as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

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**1. General requirements.** Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of this Title and other

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**SENATE AMENDMENT**

H. of S.

statutory requirements applicable to the public schools and basic school approval standards.

Sec. 2. 20-A MRSA §4502, sub-§7 is enacted to read:

7. Juvenile corrections facilities. An educational program or school for juveniles located in or operated by a correctional facility must be reviewed for approval by the department on an annual basis, with special attention paid to alternative educational programming. The department shall report to the joint standing committees of the Legislature having jurisdiction over appropriations, criminal justice and education matters on the results of the review by January 15th of each year.

Sec. 3. 34-A MRSA §3002-A, first ¶, as enacted by PL 1997, c. 752, §34, is amended to read:

The commissioner and the Commissioner of Education shall appoint a 7-member 9-member policy review council, referred to in this section as the "council," as authorized by Title 5, chapter 379.

Sec. 4. 34-A MRSA §3002-A, sub-§§1 and 2, as enacted by PL 1997, c. 752, §34, are amended to read:

1. Term. Legislative members serve as voting, ex officio members. The term of office for nonlegislative members is 3 years. The initial appointments are as follows:

- A. Three members for 3 years;
- B. Two members for 2 years; and
- C. Two members for one year.

Replacements for council members who do not complete their terms of office are for the remainder of the unexpired terms.

2. Council members. The cochairs of the joint standing committee of the Legislature having jurisdiction over education matters or their designees are members. The other council members must be representative of a broad range of professionals, parents and citizens interested in the education of students confined in the department's juvenile facilities and include the parents of a current or former student. In addition, council members may include:

- A. Professionals not employed by the department who serve or have served students in a corrections setting;

2 B. Representatives of advocacy groups for children with  
special needs;

4 C. School administrative unit administrators or special  
education directors; and

6 D. Interested citizens.

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10 ~~A-Legislator-may-not-serve-on-the-council.~~

12 **Sec. 5. 34-A MRSA §3002-A, sub-§5** is enacted to read:

14 5. Meetings: report. The council shall meet at least 4  
times a year and keep minutes and records of the meetings. The  
council shall submit a report each year to the joint standing  
committee of the Legislature having jurisdiction over education  
matters.

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20 **Sec. 6. Establish task force on educational programming at juvenile  
correctional facilities.**

22 **1. Task force on educational programming at juvenile**  
**correctional facilities established.** The task force on  
24 educational programming at juvenile correctional facilities,  
referred to in this section as the "task force," is established.

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28 **2. Membership.** The task force consists of 13 members as  
follows:

30 A. Two members from the Senate, with one member from the  
political party holding the largest number of seats in the  
32 Senate and one member who is not a member of the political  
party holding the largest number of seats in the Senate; a  
34 representative from the field of special education; and a  
parent of a student at the Southern Maine Juvenile Facility,  
36 all of which are to be appointed by the President of the  
Senate;

38 B. Two members from the House of Representatives, with one  
member from the political party holding the largest number  
40 of seats in the House of Representatives and one member who  
is not a member of the political party holding the largest  
42 number of seats in the House of Representatives; a  
representative from the field of alternative education; and  
44 a representative from the field of correctional education,  
all of which are to be appointed by the Speaker of the  
46 House; and

48 C. A representative from the Department of Education; a  
50 representative from the Department of Corrections; a

representative from the Department of Mental Health, Mental  
Retardation and Substance Abuse Services; a representative  
from the Policy Review Council; and a teacher from the  
Southern Maine Juvenile Facility, all of which are to be  
appointed by the Governor.

**3. Appointments; chairs; convening of task force; meetings.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House member is the House chair. The first meeting must be called by the chairs no later than 30 days after all appointments have been made. The task force shall meet at least once with students of the Southern Maine Juvenile Facility and hold at least one public hearing.

**4. Duties.** The task force shall:

A. Determine the best methods of delivery of educational services for students at educational programs and facilities located in or operated by juvenile correctional facilities, with an emphasis on special education and alternative education;

B. Study how to integrate mental health and substance abuse services into an educational setting;

C. Determine the general type of student who will be served by juvenile correctional educational programming;

D. Develop an appropriate set of outcomes for the juvenile correctional educational program;

E. Determine whether juvenile correctional educational programs should seek educational or correctional accreditation; and

F. Determine the necessary qualifications for faculty, administration, recruitment and retention.

**5. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

**6. Compensation.** The members of the task force who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their

attendance at authorized meetings of the task force. Other members of the task force who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

**7. Report.** The task force shall submit its report, along with any legislation necessary to implement its recommendations, to the 120th Legislature by November 1, 2000. If the task force requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

**8. Budget.** The chairs of the task force, with the assistance of the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**LEGISLATURE**

**Task Force on Educational Programming  
at Juvenile Correctional Facilities**

Personal Services	\$880
All Other	3,000

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the task force on educational programming at juvenile correctional facilities and to print the required report.

**LEGISLATURE  
TOTAL**

\$3,880

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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.' '

**FISCAL NOTE**

This amendment reduces the cost of the bill by \$840 in fiscal year 2000-01.

As amended, this bill includes a General Fund appropriation of \$3,880 in fiscal year 2000-01 for the Legislature for the per diem and expenses of legislative members and other eligible members of the task force on educational programming at juvenile correctional facilities and to print the required report.

The additional costs associated with the payment of per diem and expenses for 2 legislative members to serve on the Policy Review Council can be absorbed by the Legislature utilizing existing budgeted resources. The estimated future costs will be approximately \$840 beginning in fiscal year 2001-02.

**SUMMARY**

This amendment replaces the committee amendment. The amendment clarifies the membership of the task force on educational programming at juvenile correctional facilities and adds an emergency preamble and clause.

SPONSORED BY: *Michael H. Michaud*  
(Senator MICHAUD)  
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