

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

---

Legislative Document

No. 2608

H.P. 1872

House of Representatives, March 6, 2000

**An Act to Improve Educational Programming at Juvenile Correctional Facilities.**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.  
Cosponsored by Senator BERUBE of Androscoggin and  
Representatives: BELANGER of Caribou, KANE of Saco, McALEVEY of Waterboro,  
POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, STEDMAN of Hartland,  
WESTON of Montville.

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

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

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

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

14 **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.

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

26 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.

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

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

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

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

48 2. **Council members.** The cochairs of the joint standing committee of the Legislature have jurisdiction over education matters or their designees are members. The other council

50

2 members must be representative of a broad range of professionals,  
parents and citizens interested in the education of students  
4 confined in the department's juvenile facilities and include the  
parents of a current or former student. In addition, council  
members may include:

6  
8 A. Professionals not employed by the department who serve  
or have served students in a corrections setting;

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

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

16 D. Interested citizens.

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

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

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

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

30  
32 **1. Task force on educational programming at juvenile**  
correctional facilities established. The task force on  
educational programming at juvenile correctional facilities,  
34 referred to in this section as the "task force," is established.

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

38  
40 A. Two members from the Senate, with one member from each  
major political party; a representative from the field of  
special education; and a parent of a student at the Southern  
42 Maine Juvenile Facility, all of which to be appointed by the  
President of the Senate;

44  
46 B. Two members from the House of Representatives, with one  
member from each major political party; a representative  
from the field of alternative education; and a  
48 representative from the field of correctional education, all  
of which to be appointed by the Speaker of the House; and

50

2 C. A representative from the Department of Education; a  
representative from the Department of Corrections; a  
4 representative from the Department of Mental Health, Mental  
Retardation and Substance Abuse Services; a representative  
6 from the Policy Review Council; and a teacher from the  
Southern Maine Juvenile Facility, all of which to be  
appointed by the Governor.

8  
10 **3. Appointments; chairs; convening of task force;  
meetings.** All appointments must be made no later than 30 days  
12 following the effective date of this Act. The appointing  
authorities shall notify the Executive Director of the  
14 Legislative Council once all appointments have been made. The  
first named Senate member is the Senate chair and the first named  
16 House member is the House chair. The first meeting must be  
called by the chairs no later than 30 days after all appointments  
18 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.

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

22  
24 A. Determine the best methods of delivery of educational  
services for students at educational programs and facilities  
26 located in or operated by juvenile correctional facilities,  
with an emphasis on special education and alternative  
education;

28  
30 B. Study how to integrate mental health and substance abuse  
services into an educational setting;

32  
34 C. Determine the general type of student who will be served  
by juvenile correctional educational programming;

36  
38 D. Develop an appropriate set of outcomes for the juvenile  
correctional educational program;

40  
42 E. Determine whether juvenile correctional educational  
programs should seek educational or correctional  
44 accreditation; and

46  
48 F. Determine the necessary qualifications for faculty,  
administration, recruitment and retention.

50 **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

2 in the Maine Revised Statutes, Title 3, section 2, and  
3 reimbursement for necessary expenses incurred for their  
4 attendance at authorized meetings of the task force. Other  
5 members of the task force who are not otherwise compensated by  
6 their employers or other entities that they represent are  
7 entitled to receive reimbursement of necessary expenses incurred  
8 for their attendance at authorized meetings.

9  
10 **7. Report.** The task force shall submit its report, along  
11 with any legislation necessary to implement its recommendations,  
12 to the 120th Legislature by November 1, 2000. If the task force  
13 requires a limited extension of time to conclude its work, it may  
14 apply to the Legislative Council, which may grant the extension.

15  
16 **8. Budget.** The chairs of the task force, with the  
17 assistance of the task force staff, shall administer the task  
18 force's budget. Within 10 days after its first meeting, the task  
19 force shall present a work plan and proposed budget to the  
20 Legislative Council for its approval. The task force may not  
21 incur expenses that would result in the task force exceeding its  
22 approved budget. Upon request from the task force, the Executive  
23 Director of the Legislative Council shall promptly provide the  
24 task force chairs and staff with a status report on the task  
25 force's budget, expenditures incurred and paid and available  
26 funds.

## 27 SUMMARY

28  
29 **30** This bill does the following:

- 31  
32 1. Requires juvenile correctional educational programs and  
33 schools to receive annual approval by the Department of Education;  
34  
35 2. Amends the membership, duties, meeting and reporting  
36 requirements of the policy review council; and  
37  
38 3. Establishes a task force to study educational programs  
39 at juvenile correctional facilities.  
40