

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 982, L.D. 1306, Bill, "An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 15 MRSA §3009 is enacted to read:

§3009. Information related to reintegration of juvenile into school

1. Notification to superintendent. When a juvenile in the custody of the Department of Corrections seeks admission to a public school or a private school approved for tuition purposes, the Department of Corrections shall provide notice to the superintendent of the school to which the student is seeking admission or to the superintendent's designee of the availability of information pertaining to the juvenile for use by a reintegration team under Title 20-A, section 1055, subsection 12.

2. Release of information. Upon the request of the superintendent or the superintendent's designee under subsection 1, the Department of Corrections shall release information as authorized under section 3308, subsection 7, paragraph B-1, subparagraph (3) and Title 34-A, section 3003, subsection 1, paragraph F to be used by the reintegration team. Information received pursuant to this subsection is confidential and may not be further disseminated, except as otherwise provided by law.

COMMITTEE AMENDMENT

2 **Sec. 2. 15 MRSA §3308, sub-§7, ¶B-1**, as enacted by PL 1997, c.
3 278, §2, is amended to read:

4
5 B-1. Nothing in this section precludes dissemination of any
6 information in the records of court proceedings and in the
7 other records described in subsection 5, if:

8
9 (1) The juvenile has been adjudicated as having
10 committed a juvenile crime;

11
12 (2) The information is disseminated by and to persons
13 who directly supervise or report on the health,
14 behavior or progress of the juvenile, the
15 superintendent of the juvenile's school and the
16 superintendent's designees, criminal justice agencies
17 or agencies that are or might become responsible for
18 the health or welfare of the juvenile as a result of a
19 court order or by agreement with the Department of
20 Corrections or the Department of Human Services; and

21
22 (3) The information is relevant to and disseminated
23 for the purpose of creating or maintaining an
24 individualized plan for the juvenile's rehabilitation,
25 including reintegration into a school.

26
27 Any information received under this paragraph is
28 confidential and may not be further disseminated, except as
29 otherwise provided by law.'

30
31 Further amend the bill by striking out all of section 3 and
32 inserting in its place the following:

33 '**Sec. 3. 20-A MRSA §1055, sub-§12** is enacted to read:

34
35 **12. Reintegration team.** Within 10 days after receiving
36 information from the Department of Corrections pursuant to Title
37 15, section 3009, the superintendent shall convene a
38 reintegration team to carry out reintegration planning pursuant
39 to section 254, subsection 12. The reintegration team must
40 consist of the administrator of the school or the administrator's
41 designee; at least one classroom teacher to whom the student will
42 be assigned or who is involved in the school's student assistance
43 team; a parent, guardian or custodian of the student; and a
44 guidance counselor. The reintegration team is entitled to
45 receive the information described in Title 15, section 3308,
46 subsection 7, paragraph B-1, subparagraph (3) and Title 34-A,
47 section 3003, subsection 1, paragraph F. The reintegration team
48 shall also determine, on the basis of need, which school
49 employees may receive that information.

2 Confidentiality of the criminal justice information regarding
3 juveniles must be ensured at all times and the information may be
4 released by a member of the reintegration team only under the
5 conditions of this subsection. The superintendent shall ensure
6 that confidentiality training is provided to all school employees
7 who have access to the information.'

8 Further the bill in section 10 in subsection 7 in the 7th
9 line (page 4, line 28 in L.D.) by striking out the following:
10 "transferred to" and inserting in its place the following:
11 'enrolled in'

12 Further amend the bill in section 11 in that part designated
13 "**§5151.**" in subsection 1 in the 2nd line (page 4, line 47 in
14 L.D.) by striking out the following: "truancy and" and inserting
15 in its place the following: 'truancy and.'

16 Further amend the bill in section 13 in that part designated
17 "**§6001-B.**" by striking out all of subsection 3-A (page 7, lines
18 24 to 45 in L.D.) and inserting in its place the following:

19 '3-A. Determination of status of juvenile applying for
20 admission; discretion of school to accept juvenile. If the
21 receiving school administrative unit receives information under
22 Title 15, section 3308, subsection 7, paragraph B-1, subparagraph
23 (3) and Title 34-A, section 3003, subsection 1, paragraph F that
24 a student is not in compliance with a condition of an
25 individualized plan for the juvenile's rehabilitation and that
26 condition is relevant to the juvenile's reintegration into the
27 school, the receiving school administrative unit may deny
28 admission or participation in public school programs, facilities
29 or activities as part of an equivalent instruction program
30 pursuant to section 5021 until the school administrative unit is
31 satisfied that the condition has been met.'

32 Further amend the bill by inserting after section 13 the
33 following:

34 '**Sec. 14. 34-A MRSA §3003, sub-§1, ¶F,** as enacted by PL 1997,
35 c. 278, §5, is amended to read:

36 F. To persons who directly supervise or report on the
37 health, behavior or progress of a juvenile, to the
38 superintendent of a juvenile's school and the
39 superintendent's designees and to agencies that are or might
40 become responsible for the health or welfare of a juvenile,
41 if the information is relevant to and disseminated for the
42 purpose of creating or maintaining an individualized plan
43 for the juvenile's rehabilitation, including reintegration
44 into the school.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

FISCAL NOTE

The requirement that certain planning, training and reporting activities occur represents a state mandate pursuant to the Constitution of Maine. The additional local costs are indeterminate at this time. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, the local school administrative units may not be required to implement these changes.

The additional costs associated with establishing certain standards, providing technical assistance and collaborating on an annual report can be absorbed by the Department of Education utilizing existing budgeted resources.

The Department of Corrections will incur some minor additional costs associated with the reporting and coordination requirements. These costs can be absorbed within the department's existing budgeted resources.

The additional costs associated with collaborating on an annual report can be absorbed by the Department of Mental Health, Mental Retardation and Substance Abuse Services utilizing existing budgeted resources.'

SUMMARY

This amendment replaces section 1 of the bill with changes to existing law in both the Maine Juvenile Code and the laws governing the Department of Corrections. These changes recognize a school's interest in having information to ensure a successful reintegration of a juvenile offender and clarify the current ability for the department and others to share information, which may otherwise be confidential, with the school for purposes of reintegration. This amendment requires the Department of Corrections to notify the superintendent of a school about the availability of information when a juvenile in the custody of the Department of Corrections is seeking admission to that school after release from a juvenile correctional facility. The

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2 superintendent may then request information about the juvenile
3 for use by a reintegration team, which must be provided as long
4 as it falls under the requirements guarding the release of
5 confidential information pertaining to juveniles in the juvenile
6 justice system. The superintendent must establish a
7 reintegration team to plan for the juvenile's transition into the
8 school.

9
10 Section 3 of the bill is amended to correct a
11 cross-reference. The provision concerning parents, custodians
12 and guardians consenting in writing to the release of additional
13 information is deleted because even if such consent is given,
14 there may be information that is not appropriate or may be
15 unlawful to share. The Maine Revised Statutes, Title 15 and
16 Title 34-A already take account of this and allow for sharing of
17 appropriate information by consent.

18 This amendment clarifies that a juvenile is not
19 "transferred" from a juvenile correction facility to a school,
20 but is enrolled.

21
22 This amendment clarifies that current confidentiality laws,
23 as amended to include reintegration, are sufficient to inform a
24 school about a juvenile's compliance with relevant conditions.
25 Only if those conditions are not complied with should a school be
26 able to deny admission to a juvenile.

27
28 The amendment also adds a fiscal note to the bill.