

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1306

H.P. 982

House of Representatives, March 5, 2001

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**An Act to Implement the Recommendations of the Task Force on  
Educational Programming at Juvenile Correctional Facilities.**

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Reported by Representative RICHARD for the Task Force on Educational Programming at Juvenile Correctional Facilities pursuant to Public Law 1999, chapter 770.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

2  
4           Sec. 1. 15 MRSA §3308, sub-§7-A is enacted to read:

6           7-A. Notification. When a juvenile who was charged in a  
8           juvenile petition that alleged the use or threatened use of  
10           physical force against a person or a juvenile who was adjudicated  
12           as having committed one or more juvenile crimes seeks admission  
14           to a public school or private school approved for tuition  
16           purposes, any criminal justice agency that has knowledge that  
18           such a juvenile is seeking admission to a school described in  
              this subsection shall provide notice to the superintendent of the  
              school to which the student is seeking admission or the  
              superintendent's designee of the availability of the information  
              described in this subsection. Upon the request of the  
              superintendent or the superintendent's designee, a juvenile  
              community corrections officer shall disseminate the following  
              information:

20           A. The name of the juvenile;

22           B. The nature and date of the offense or the alleged  
24           offense;

26           C. The date of the petition, if applicable;

28           D. The date of the adjudication, if applicable;

30           E. The location of the court where the case was brought, if  
              applicable; and

32           F. The current status of the juvenile's compliance with an  
34           informal adjustment alternative program, a supervised work  
36           or service program, a restitution program, a juvenile drug  
              treatment court program or conditions of probation as  
              determined by a juvenile community corrections officer or  
              ordered by the court.

38           All information provided under this subsection is confidential  
40           and may not be further distributed, except as provided in Title  
42           20-A, section 1055, subsection 12. Information provided pursuant  
44           to this subsection to the superintendent of the juvenile's school  
46           or the superintendent's designee or to the superintendent of the  
              school into which the juvenile is seeking admission or the  
              superintendent's designee may not become part of the student's  
              education record.

48           Sec. 2. 20-A MRSA §254, sub-§12 is enacted to read:

2 12. Technical assistance and statewide standards for  
3 reintegration planning. In consultation with juvenile  
4 correctional officials, juvenile community corrections officers,  
5 organizations representing school boards, school administrators,  
6 teachers and parents and other interested local officials and  
7 community members, the commissioner shall develop a program of  
8 technical assistance and establish statewide standards for  
9 reintegration planning and transition services for juvenile  
10 offenders who are discharged from juvenile correctional  
11 facilities in the State, who have been enrolled in educational  
12 programs or schools for juveniles located in or operated by  
13 correctional facilities and who are transferring to schools  
14 located within local school administrative units in the State.  
15 The technical assistance and standards must include, but may not  
16 be limited to:

17 A. Timely presentation of student educational records  
18 pursuant to section 6001-B and other appropriate  
19 information, including confidential criminal justice  
20 information regarding juveniles pursuant to section 1055,  
21 subsections 11 and 12;

22 B. The level and scope of technical assistance to be  
23 provided by the department to local school officials and the  
24 level and scope of training that local school administrative  
25 units must provide to school personnel who may have access  
26 to confidential criminal justice information regarding  
27 juveniles pursuant to section 1055, subsections 11 and 12;  
28 and

29 C. Annual reporting to the department by superintendents of  
30 the number of juvenile offenders who are released or  
31 discharged from juvenile correctional facilities in the  
32 State and who enroll in schools located within their local  
33 school administrative units. The department shall provide  
34 forms for reporting.

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

36 12. Reintegration teams. Within 10 days after receiving  
37 information from a criminal justice agency official pursuant to  
38 Title 15, section 3308, subsection 7-A, the superintendent shall  
39 convene a reintegration team. 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-A, paragraphs A to F and any other information  
47 received from the student's school or the student's parent,  
48 guardian or custodian.

2 permitted by the written consent of the student's parent,  
3 guardian or custodian. The reintegration team shall also  
4 determine on the basis of need which school employees may receive  
5 that information.

6 Confidentiality of the criminal justice information regarding  
7 juveniles must be ensured at all times, and the information may  
8 be released only under the conditions of this subsection. The  
9 superintendent shall ensure that confidentiality training is  
10 provided to all school employees who have access to the  
11 information.

12  
13 **Sec. 4. 20-A MRSA §2902, sub-§8, as amended by PL 1999, c.**  
14 **669, §3, is further amended to read:**

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

18  
19 **Sec. 5. 20-A MRSA §2902, sub-§9, as enacted by PL 1999, c.**  
20 **669, §4, is amended to read:**

21  
22 **9. Medication.** Meet the requirements for administering  
23 medication under section 254, subsection 5; and

24  
25 **Sec. 6. 20-A MRSA §2902, sub-§10 is enacted to read:**

26  
27 **10. Reintegration planning. Meet the requirements for**  
28 **administering reintegration planning under section 254,**  
29 **subsection 12.**

30  
31 **Sec. 7. 20-A MRSA §4502, sub-§5, ¶M, as amended by PL 1999, c.**  
32 **669, §6, is further amended to read:**

33  
34 **M.** The use of time-out areas, administered in accordance  
35 with standards adopted by the department and with this  
36 paragraph. The use of a time-out area is subject to the  
37 following:

38  
39 (1) The time-out area must be well ventilated and  
40 sufficiently lighted. The time-out area may not be  
41 locked; and

42  
43 (2) The time-out area must be designed to ensure the  
44 safety of the student so that the student is supervised  
45 by a professional staff member in the room or can be  
46 observed from outside of the time-out area and can be  
47 heard by a person supervising the time-out area; and  
48

2           **Sec. 8. 20-A MRSA §4502, sub-§5, ¶N**, as enacted by PL 1999, c.  
669, §7, is amended to read:

4           N. Preparation of a written local policy and implementation  
6 of training for all unlicensed personnel who administer  
254, subsection 5, and

8           **Sec. 9. 20-A MRSA §4502, sub-§5, ¶O** is enacted to read:

10           O. Preparation of a written local policy and implementation  
12 of training for all guidance counselors and school personnel  
14 who administer reintegration planning pursuant to section  
16 254, subsection 12, who participate in a reintegration team  
18 and who have access to confidential criminal justice  
information regarding juveniles pursuant to section 1055,  
subsection 12.

20           **Sec. 10. 20-A MRSA §4502, sub-§7**, as enacted by PL 1999, c.  
770, §2, is amended to read:

22           **7. Juvenile corrections facilities.** An educational program  
24 or school for juveniles located in or operated by a correctional  
26 educational programming and discharge planning and related  
28 transition services provided to juveniles who are released from  
30 juvenile correctional facilities and transferred to public  
32 schools in the State. 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.

34           **Sec. 11. 20-A MRSA §5151**, as enacted by PL 1985, c. 774, §5,  
is amended to read:

36           **§5151. Technical assistance for truants, dropout prevention and**  
38 **reintegration and alternative education**

40           The commissioner shall provide technical assistance  
42 regarding truancy, dropouts and reintegration and alternative  
44 educational programs. To do this, the commissioner shall employ  
at least one consultant whose sole responsibility is to cover the  
area of truancy, dropouts and alternative education.

46           **1. Qualifications.** Any consultant must be knowledgeable in  
48 the problems of truancy and dropouts and reintegration and  
policies and programs pertaining to the ~~problem~~ problems and have  
50 this as ~~his~~ the consultant's sole responsibility.

2                   **2. Duties.** The consultant shall:

4                   A. Provide technical assistance to school administrative  
6                   units and private schools approved for tuition purposes to  
8                   establish alternative programs;

10                  B. Develop screening tools for early identification of  
12                  potential dropouts;

14                  C. Act as a clearinghouse for information on alternative  
16                  education programs in the State, on exemplary programs in  
18                  other states and on research pertaining to the subject, and  
20                  promote effective programs;

22                  D. Function as a liaison liaison among the commissioner,  
24                  department staff, advisory committee and school  
26                  administrative units and private schools as it pertains to  
28                  truants, dropouts and reintegration, alternative education  
30                  and adult education;

32                  E. Develop model curricula and programs for alternative  
34                  educational schools and programs;

36                  F. Assess and provide for the evaluation of alternative  
38                  educational programs consistent with the standards  
40                  established by the commissioner;

42                  G. Develop training programs for superintendents,  
44                  principals and school attendance officers to improve  
46                  effectiveness in performance of their duties as pertains to  
48                  truants, dropouts and reintegration and alternative  
education;

34                  H. Develop and submit a plan on behalf of the commissioner  
36                  for the joint standing committee of the Legislature having  
38                  jurisdiction over education and the state board on the  
40                  prevalence of truancy and dropouts, assess alternative and  
42                  adult educational programs and prepare positive strategies  
44                  to prevent and remedy the problems identified, including  
46                  reintegration planning for juvenile offenders who have been  
48                  released from juvenile facilities and are enrolling in  
schools in the State;

44                  I. Have the responsibility for preventive and alternative  
46                  programs;

48                  J. Collect data on the scope of the dropout and truancy  
problem in the State;

2 K. Evaluate the scope of the problem of dropouts and  
truants and programs and policies directed to meet it,  
4 including reintegration planning and aftercare services  
provided for juvenile offenders who have been released from  
6 juvenile facilities and have enrolled in schools in the  
State;

8 L. Provide staff services to the advisory committee; and

10 M. Plan and coordinate programs and grant writing to  
stimulate programs and research on the problem of dropouts,  
12 truants, alternative education and adult education.

14 **Sec. 12. 20-A MRSA §5152, sub-§2, as enacted by PL 1985, c.**  
16 **774, §5, is amended to read:**

18 **2. Duties of the advisory committee, as appointed by the**  
commissioner. The advisory committee shall advise the  
20 commissioner on the development and implementation of state and  
local policies and programs that are needed to deal effectively  
22 with the incidence of truancy and dropouts in state schools.  
They should consider their mandate in a broad context to assess  
24 the causes of truancy and dropouts, the effectiveness of  
alternative and prevention programs and the social and  
26 educational programs or changes needed to encourage students to  
remain in school, including reintegration planning and aftercare  
28 services provided for juvenile offenders who have been released  
from juvenile facilities in the State and have enrolled in  
schools in the State.

30 **Sec. 13. 20-A MRSA §6001-B, as enacted by PL 1999, c. 351,**  
32 **§3, is amended to read:**

34 **§6001-B. Transfer of education records**

36 **1. Education records must follow students who transfer.**  
Education records must follow students who transfer to a school  
38 in another school administrative unit in the State. The  
education records of students who transfer from educational  
40 programs or schools for juveniles located in or operated by  
correctional facilities or out-of-state schools are also subject  
42 to this requirement.

44 **2. Transfer of records.** Upon application of a student to  
transfer to another school administrative unit in this State or  
46 to enroll at a school administrative unit in this State from an  
educational program or school for juveniles located in or  
48 operated by a correctional facility or a school outside of the  
State, and upon the written request of the superintendent of the  
50 school administrative unit into which the student seeks



admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including special education records, to school administrators at the school administrative unit to which the student is seeking a transfer.

**3. Determination of disciplinary status of student applying for transfer; discretion of school to accept student.** At the request of the superintendent of the school administrative unit into which a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the receiving school administrative unit indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding. In the case of a student who has been expelled or suspended or is the subject of an expulsion or suspension proceeding, the receiving school administrative unit may deny admission or participation in public school programs, facilities or activities as part of an equivalent instruction program pursuant to section 5021 until the school administrative unit is satisfied that the conditions of the expulsion or suspension have been met.

**3-A. Determination of status of juvenile applying for transfer; discretion of school to accept juvenile.** At the request of the superintendent of the school administrative unit into which a student seeks admission, a criminal justice agency official shall provide, in a timely fashion, an oral or written report to the superintendent of the school or the superintendent's designee indicating whether the student is seeking to transfer from an educational program or school for juveniles located in or operated by a correctional facility and whether or not the student is in compliance with an informal adjustment alternative program or conditions of probation pursuant to Title 15, section 3308, subsection 7-A as determined by a juvenile community corrections officer or ordered by the court. In the case of a student who is not in compliance with an informal adjustment alternative program or conditional probation or is the subject of an adjudication proceeding, the receiving school administrative unit may deny admission or participation in public school programs, facilities or activities as part of an equivalent instruction program pursuant to section 5021 until the school administrative unit is satisfied that the conditions of the informal adjustment alternative program, conditional probation or adjudication proceeding have been met.

**4. Notice to parents and guardians.** Prior to the start of the 2000-01 school year and each school year thereafter, a school administrative unit shall send a written notice to parents or guardians of every student enrolled in the school administrative

unit that education records must be sent to a school administrative unit to which a student applies for transfer. Beginning with the 2001-2002 school year, an educational program or school for juveniles located in or operated by a correctional facility shall send a written notice to parents, guardians and custodians of every student enrolled in that educational program or school for juveniles located in or operated by the correctional facility that education records must be sent to a school administrative unit to which a student applies for transfer. The notice provided to parents and, guardians and custodians must comply with the standards of the federal Family Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568.

**Sec. 14. Department of Corrections, Department of Education and Department of Mental Health, Mental Retardation and Substance Abuse Services progress report.** The Commissioner of Corrections, the Commissioner of Education and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and the chair of the policy review council established under the Maine Revised Statutes, Title 34-A, section 3002-A or their designees shall present an annual report to the Council on Children and Families established in Title 5, chapter 438 and the Children's Cabinet established in Title 5, chapter 439 on or before December 15th of each year, with the first report presented on or before December 15, 2001. State officials from each of these agencies shall jointly provide a report on:

1. The implementation of the Learning for Life program described under Appendix D of "The Report of the Task Force on Educational Programming at Juvenile Correctional Facilities," including the memorandum of understanding regarding the integrated delivery of educational programs and behavioral health, mental health and substance abuse services that are to be provided to juveniles who receive educational services through educational programs or schools for juveniles located in or operated by correctional facilities in the State; and

2. The progress of implementing interagency initiatives designed to improve the effectiveness of release and discharge planning, transition services, aftercare services and reintegration planning provided to youths discharged from juvenile correctional facilities.

## SUMMARY

This bill implements the recommendations of the task force on educational programming at juvenile correctional facilities and accomplishes the following:

2           1. Provides that criminal justice agency officials must  
provide notice to the superintendent of the school to which a  
4 juvenile who has been charged in a juvenile petition that alleged  
the use or threatened use of physical force against a person or  
6 who was adjudicated as having committed one or more juvenile  
crimes seeks admission of the availability of information  
8 concerning that juvenile;

10           2. Provides that, upon request of a superintendent of the  
school in which a juvenile seeks admission, a juvenile community  
12 corrections officer must provide the superintendent with certain  
information related to the current status of a juvenile's  
14 compliance with any informal adjustment alternative program,  
supervised work or service program, restitution program, juvenile  
16 drug treatment court program or conditions of probation as  
determined by a juvenile community corrections officer or ordered  
18 by the court;

20           3. Requires the Commissioner of Education to establish  
standards and to provide technical assistance regarding  
22 reintegration teams for juveniles released or discharged from  
juvenile corrections facilities and seeking admission into  
24 schools in the State;

26           4. Requires school superintendents to provide planning for  
reintegration teams, including training for school personnel  
28 involved in reintegration planning and with access to  
confidential records of juveniles;

30           5. Requires compliance with reintegration planning  
32 provisions as part of basic school approval for public and  
private schools approved for tuition purposes;

34           6. Amends the scope and duties of the Commissioner of  
36 Education's advisory committee on truancy, dropouts and  
alternative education to include reintegration planning for a  
38 juvenile released or discharged from a juvenile corrections  
facility and seeking admission into a school in the State;

40           7. Requires that school superintendents report annually on  
42 planning efforts for reintegrating juveniles into the school  
environment to the Commissioner of Education's advisory committee  
44 on truancy, dropouts and alternative education; and

46           8. Requires the Commissioner of Corrections, the  
Commissioner of Education, the Commissioner of Mental Health,  
48 Mental Retardation and Substance Abuse Services and the chair of  
the policy review council established under the Maine Revised  
50 Statutes, Title 34-A, section 3002-A or their designees to

2 present an annual report to the Council on Children and Families  
and the Children's Cabinet on the progress of implementation  
4 efforts regarding the juvenile correctional educational programs,  
the integration of behavioral health, mental health and substance  
6 abuse programming and release and discharge planning, transition  
services, aftercare services and reintegration planning provided  
to youths discharged from juvenile correctional facilities.  
8