

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1443

S.P. 528

In Senate, April 7, 2009

### An Act To Support the Center of Excellence for At-risk Students

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MARRACHÉ of Kennebec.  
Cosponsored by Speaker PINGREE of North Haven and  
Senator: MILLS of Somerset, Representatives: BECK of Waterville, FITTS of Pittsfield,  
RANKIN of Hiram, SUTHERLAND of Chapman.

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

3 **Whereas,** the rising dropout rate in the State deprives an increasing number of youth  
4 of education essential to their future success, while creating the potential for greater costs  
5 on the State's social welfare system; and

6 **Whereas,** many school administrative units have limited resources available to tailor  
7 programs to address the needs of youth at risk of failing or dropping out of school; and

8 **Whereas,** a private, nonprofit charitable organization with a long history of  
9 education and caring for children at risk is currently working with a major Maine  
10 charitable foundation to create a statewide center of excellence to serve students at risk of  
11 failure; and

12 **Whereas,** immediate support for that effort is essential to ensure that the  
13 organization can begin serving students in the 2009-2010 school year; and

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

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

19 **Sec. 1. 20-A MRSA c. 227** is enacted to read:

20 **CHAPTER 227**

21 **CENTER OF EXCELLENCE FOR AT-RISK STUDENTS**

22 **§6951. Center establishment**

23 **1. Center established.** The Center of Excellence for At-risk Students is established.

24 **2. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
25 following terms have the following meanings.

26 **A. "At-risk student"** means an elementary student or secondary student who is at risk  
27 of failing or dropping out of a regular public school program.

28 **B. "Center"** means the Center of Excellence for At-risk Students established in  
29 subsection 1.

30 **3. Center requirements.** The center shall provide a comprehensive residential and  
31 nonresidential program for educating at-risk students. The center shall also provide  
32 information and resources for other schools serving at-risk students. The center may be  
33 administered by a private, nonprofit charitable corporation with a public purpose that  
34 meets the requirements of section 2951. The commissioner may grant a waiver from any

1 requirements of sections 2901, 2902 and 2951 that the commissioner determines  
2 appropriate in consideration of the special characteristics of the center.

3 **§6952. Center criteria**

4 To qualify for support, approval and funding under this chapter, the center must  
5 provide services to at-risk students who are or have been enrolled in one or more of  
6 grades 7 to 12. The admission of an at-risk student to the center is subject to approval by  
7 the center based upon criteria of the center approved by the commissioner. The center  
8 shall provide residential and nonresidential instruction that is approved pursuant to  
9 section 6951 and designed to effect positive, sustainable change in the lives of at-risk  
10 students through comprehensive on-site education services in 4 major areas, including  
11 high-quality scholastic, vocational and behavioral health education; training and support  
12 for families of students; training and support for public school teachers in dealing with  
13 students who are at risk of failing or dropping out of school; and providing an  
14 environment conducive to research aiding the improvement of education for at-risk  
15 students.

16 The center shall collaborate with the department, public school administrators and  
17 other public and private organizations with an interest in the support and education of at-  
18 risk students.

19 **§6953. State financial and operational support**

20 The commissioner shall approve funding for the center from the total allocation for  
21 kindergarten to grade 12 education from General Fund revenue sources received by the  
22 department under section 15752. The commissioner shall calculate the funding based  
23 upon the unique needs of at-risk students and in consideration of the availability,  
24 restrictions and limitations of private and other sources of funding. The funding  
25 approved for the center under this section must equal or exceed the tuition rate that would  
26 be computed for a private school under section 5806, subsection 1 and may exceed the  
27 maximum allowable tuition by a private school that would be determined under section  
28 5806, subsection 2.

29 **§6954. Transfers**

30 Students in school administrative units may be transferred to and become students of  
31 the center by agreement between the school administrative unit responsible for the  
32 student and the chief executive officer of the corporation administering the center.

33 **§6955. Rules**

34 The department may adopt rules to carry out the purposes of this chapter. Rules  
35 adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter  
36 375, subchapter 2-A.

37 **Sec. 2. Nonprofit corporation; timeline.** The Department of Education shall  
38 arrange with the Good Will-Hinckley school to serve as the nonprofit charitable  
39 corporation with a public purpose to implement the Center of Excellence for At-risk  
40 Students, established in the Maine Revised Statutes, Title 20-A, section 6951, referred to

1 in this section as "the center." The center must be developed and funded to provide  
2 education approved by the Commissioner of Education for up to 80 students for the year  
3 beginning September 1, 2009 and fully implemented for 80 to 150 students by September  
4 1, 2010. The Department of Education may modify the provisions of implementing the  
5 center in this section upon consultation with the Good Will-Hinckley school.

6 **Sec. 3. Allocation.** Beginning September 1, 2009, for the first 2 years of  
7 operation, the Commissioner of Education shall make an allocation for funding the  
8 Center of Excellence for At-risk Students established in the Maine Revised Statutes, Title  
9 20-A, section 6951 to provide for 80 students in the center's first year of operation and  
10 150 students in the 2nd year of operation, with one student from each school  
11 administrative unit allowed to attend the center each year.

12 **Emergency clause.** In view of the emergency cited in the preamble, this  
13 legislation takes effect when approved.

#### 14 SUMMARY

15 This bill establishes the Center of Excellence for At-risk Students to provide a  
16 comprehensive, on-site course of instruction for youth at risk of failing or dropping out of  
17 school. The center must include a high-quality education, training for parents and public  
18 school teachers and research involving education for at-risk youth. The center may be  
19 administered by a private, nonprofit charitable corporation organized for educational  
20 purposes with oversight by the Commissioner of Education and will accept transfers of  
21 at-risk public school students. The center will be funded from the Department of  
22 Education's allocation for kindergarten to grade 12 education from General Fund revenue  
23 sources. The bill directs the Department of Education to arrange with the Good Will-  
24 Hinckley school to educate up to 80 students in the 2009-2010 school year and up to 150  
25 students in the 2010-2011 school year.