CHAPTER 452

H.P. 982 - L.D. 1306

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

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

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.

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

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

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

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

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

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

Sec. 3. 20-A MRSA §254, sub-§12 is enacted to read:

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

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

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

C. Annual reporting to the department by superintendents of the number of juvenile offenders who are released or discharged from juvenile

correctional facilities in the State and who enroll in schools located within their local school administrative units. The department shall provide forms for reporting.

Sec. 4. 20-A MRSA §1055, sub-§12 is enacted to read:

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

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

Sec. 5. 20-A MRSA §2902, sub-§8, as amended by PL 1999, c. 669, §3, is further amended to read:

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

Sec. 6. 20-A MRSA §2902, sub-§9, as enacted by PL 1999, c. 669, §4, is amended to read:

9. Medication. Meet the requirements for administering medication under section 254, subsection 5~~.~~; and

Sec. 7. 20-A MRSA §2902, sub-§10 is enacted to read:

10. Reintegration planning. Meet the requirements for administering reintegration planning under section 254, subsection 12.

Sec. 8. 20-A MRSA §4502, sub-§5, ¶M, as amended by PL 1999, c. 669, §6, is further amended to read:

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

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

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

Sec. 9. 20-A MRSA §4502, sub-§5, ¶N, as enacted by PL 1999, c. 669, §7, is amended to read:

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5~~.~~;and

Sec. 10. 20-A MRSA §4502, sub-§5, ¶O is enacted to read:

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

Sec. 11. 20-A MRSA §4502, sub-§7, as enacted by PL 1999, c. 770, §2, is amended 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 and discharge planning and related transition services provided to juveniles who are released from juvenile correctional facilities and enrolled in public 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.

Sec. 12. 20-A MRSA §5151, as enacted by PL 1985, c. 774, §5, is amended to read:

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

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative 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.

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

2. Duties. The consultant shall:

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

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

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

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

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

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

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

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

I. Have the responsibility for preventive and alternative programs;

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

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

L. Provide staff services to the advisory committee; and

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

Sec. 13. 20-A MRSA §5152, sub-§2, as enacted by PL 1985, c. 774, §5, is amended to read:

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

Sec. 14. 20-A MRSA §6001-B, as enacted by PL 1999, c. 351, §3, is amended to read:

§6001-B. Transfer of education records

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

2. Transfer of records. Upon application of a student to transfer to another school administrative

unit in this State or to enroll at a school administrative unit in this State from an educational program or school for juveniles located in or operated by a correctional facility or a school outside of the State, and upon the written request of the superintendent of the 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 admission; discretion of school to accept juvenile. If the receiving school administrative unit receives information under Title 15, section 3308, subsection 7, paragraph B-1, subparagraph (3) and Title 34-A, section 3003, subsection 1, paragraph F that a student is not in compliance with a condition of an individualized plan for the juvenile's rehabilitation and that condition is relevant to the juvenile's reintegration into the school, 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 condition has 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. 15. 34-A MRSA §3003, sub-§1, ¶F, as enacted by PL 1997, c. 278, §5, is amended to read:

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

Sec. 16. 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.

See title page for effective date.

CHAPTER 453

H.P. 1238 - L.D. 1683

An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force

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

Sec. 1. 29-A MRSA §523, sub-§3, as amended by PL 1999, c. 751, §1, is further amended to read:

3. Special veterans registration plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and a one-time additional fee of $5, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 9,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged. If a veteran is the primary driver of ~~2~~ 3 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, or certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

~~A. Between June 30, 2000 and June 29, 2001, the Secretary of State may issue special commemorative decals to any person who served in the United States Armed Forces during the Korean Conflict, June 27, 1950 to January 31, 1955, when that person's application is accompanied by a fee not to exceed $10 and appropriate military certification verifying the applicant's service during the Korean Conflict. This decal is to be affixed to the special veterans registration plate and may be displayed until the plate is retired.~~

Sec. 2. 29-A MRSA §523, sub-§§5 and 6 are enacted to read:

5. Special commemorative decals for medals awarded. The Secretary of State may issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded a medal described in paragraphs A to Q when that person's application is accompanied by the appropriate military certification verifying that the medal was awarded to the applicant. One set of commemorative decals may be issued for each set of special veterans registration plates issued under this section. One set of 2 commemorative decals must be displayed on the front and back plates. The fee for a set of commemorative decals may not exceed $5.

Special commemorative decals may be issued to applicants awarded the following medals:

A. Distinguished Service Cross;

B. Navy Cross;

C. Air Force Cross;

D. Silver Star;

E. Distinguished Flying Cross;

F. Bronze Star;

G. Soldier's Medal;

H. Navy or Marine Corps Medal;

I. Airman's Medal;

J. Coast Guard Medal;

K. Asiatic-Pacific Campaign Medal;

L. European-African-Middle Eastern Campaign Medal;

M. Korean Service Medal;

N. Vietnam Service Medal;

O. Southwest Asia Service Medal;

P. Armed Forces Expeditionary Medal; and

Q. Kosovo Service Medal.

6. Special commemorative decals for branches of armed forces. The Secretary of State may issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces and was honorably discharged when that person's application is