

MAINE STATE LEGISLATURE

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L.D. 1121

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DATE: *May 27, 1997*

(Filing No. S-332)

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EDUCATION AND CULTURAL AFFAIRS

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Reported by: *Majority*

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 344, L.D. 1121, Bill, "An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities"

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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'Sec. 1. 20-A MRSA §7207-B, sub-§3-A is enacted to read:

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3-A. Notice to local school units. Prior to filing a request for investigation of noncompliance pursuant to section 7206 or for a due process hearing pursuant to this section, the parent, surrogate parent or guardian first shall attempt to resolve the controversy through discussions with the local school administrative unit. The parent, surrogate parent or guardian is barred from recovering attorney's fees in any subsequent action or proceeding if it is determined that the parent, surrogate parent or guardian unreasonably protracted the controversy by failing to raise that controversy first with the local school administrative unit before initiating the subsequent action or proceeding.'

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SUMMARY

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This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, requires that a parent, surrogate parent or guardian first must attempt to resolve alleged noncompliance with special education statutes through discussions with the local school administrative unit before filing a written complaint to the Commissioner of Education to investigate noncompliance. Failure to do so bars the parent, surrogate parent or guardian from recovering attorney's fees in any subsequent proceedings on the matter.

COMMITTEE AMENDMENT