

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 783

H.P. 560

House of Representatives, February 15, 2005

### **An Act To Require That the Pupil Evaluation Team Set Graduation Standards for Special Education Students**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MARLEY of Portland.  
Cosponsored by Senator MITCHELL of Kennebec and  
Representatives: BARSTOW of Gorham, DAVIS of Falmouth, DUGAY of Cherryfield,  
HUTTON of Bowdoinham, MAREAN of Hollis, NORTON of Bangor, STEDMAN of  
Hartland, TARDY of Newport.

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

4  
6           **Whereas,** federal law provides that graduation requirements  
for special education students are governed by provisions of the  
student's individual education plan; and

8  
10           **Whereas,** current Department of Education rules contain  
conflicting provisions regarding the role of the individual  
education plan in determining specific graduation requirements  
12 for special education students; and

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

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

22           **Sec. 1. 20-A MRSA §7202, sub-§9,** as amended by PL 1989, c.  
857, §54, is further amended to read:

24           **9. Securing parental permission.** For the Protection and  
26 Advocacy Agency for the Developmentally Disabled in Maine  
conducting studies pursuant to Title 22, chapter 961:

28           A. Assist the agency in its studies; and

30           B. Facilitate access to relevant case records by:

32                   (1) Notifying parents or guardians of the study; and

34                   (2) Requesting parental consent for the agency to have  
36 access to case records; and

38           **Sec. 2. 20-A MRSA §7202, sub-§10,** as enacted by PL 1989, c.  
857, §55 and amended by PL 2003, c. 689, Pt. B, §6, is further  
40 amended to read:

42           **10. Department of Health and Human Services; authority to**  
**request convening of pupil evaluation team meeting.** Notify in  
44 writing the individual designated by the Department of Health and  
Human Services that the Department of Health and Human Services  
46 has the authority to request the school administrative unit to  
convene a pupil evaluation team meeting and to attend and  
48 participate in any pupil evaluation team meetings concerning an  
exceptional student who is a state ward. The written notice must

2 indicate the time and place of the pupil evaluation team meeting  
and a copy of the notice must be placed in the exceptional  
student's permanent record, ; and

4  
6 **Sec. 3. 20-A MRSA §7202, sub-§11** is enacted to read:

8 11. Graduation standards. Notwithstanding section 4722,  
9 section 6202, section 6202-A and rules adopted pursuant to  
10 section 6202-A, establish that graduation requirements for each  
11 exceptional student are governed by the student's individual  
12 education plan.

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

16  
17 **SUMMARY**

18  
19 This bill reestablishes the role of the individual education  
20 plan as the controlling factor in determining the specific  
graduation requirements for special education students.