

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 8

H. P. 14

Office of the Clerk of the House

Submitted by the Department of Educational and Cultural Services
pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Simplify the Due Process Requirements of Special Education.

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

20 MRSa § 3131, sub-§ 1-B, ¶ B, as amended by PL 1977, c. 564, § 90, is repealed and the following enacted in its place:

B. Maximum periods of time to be uniformly applied to all administrative units within which a parent, guardian, surrogate parent or administrative unit may:

(1) Request the commissioner to appoint an impartial hearing officer who shall conduct a hearing on behalf of the department regarding the identification, evaluation and educational placement of the child; and to issue a decision based upon the findings of fact made by the hearing officer; and

(2) Appeal the decision of the commissioner to the Superior Court or to a United States District Court;

STATEMENT OF FACT

The purpose of this bill is to simplify the procedure for a parent, guardian, surrogate parent or administrative unit to request a hearing at the state level and to proceed, if necessary, to the appropriate state or federal court for judicial review. The bill eliminates one administrative hearing level presently called for

under the Maine Revised Statutes, Title 20, section 3131. The simplified approach is authorized under the United States Education for all Handicapped Children's Act, Public Law 94-142, and the federal regulations adopted pursuant thereto, 45 Code of Federal Regulations 121a.56 et seq.