

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 793

S.P. 295

In Senate, February 26, 1991

Reference to the Committee on Education 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 ESTES of York

Cosponsored by Senator BOST of Penobscot, Representative CROWLEY of Stockton Springs and Representative AULT of Wayne.

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STATE OF MAINE

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

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**An Act to Improve Special Education Services to State Wards.**

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

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4       **Sec. 1. 20-A MRSA §7204, sub-§4, ¶G,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6           G. Teacher-student ratio;

8       **Sec. 2. 20-A MRSA §7204, sub-§5, ¶B,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

10           B. Inform and train each school administrative unit on  
12           exceptional students' rights to due process under state laws  
14           and rules and federal law and regulations; and

16       **Sec. 3. 20-A MRSA §7204, sub-§6,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

18           **6. Technical assistance.** May, on the request of a school  
20           administrative unit, provide technical assistance in the  
22           formulation of a plan or subsequent report required of all  
24           administrative units. Assistance shall ~~may~~ not be designed to  
26           transfer the responsibility for or actual development of the plan  
28           or report; and

30       **Sec. 4. 20-A MRSA §7204, sub-§7** is enacted to read:

32           **7. Pupil evaluation teams for state wards.** Shall convene a  
34           pupil evaluation team for a state ward upon request of the  
36           Department of Human Services.

38           The Department of Human Services shall request that a pupil  
40           evaluation team convene after determining that the state ward's  
42           local school district is unable to conduct an adequate pupil  
44           evaluation in an appropriate amount of time because the child has  
46           been transient and the local school district does not possess  
sufficient information, because no local school district is  
willing to accept responsibility for the child or for other  
reasons considered sufficient by the Department of Human Services.

Members of the pupil evaluation team include: a representative  
of the Department of Education; the child's Department of Human  
Services caseworker; a representative of the Department of Mental  
Health and Mental Retardation, Bureau of Children with Special  
Needs; and the child's parent or guardian unless prohibited by  
court order. Other participants may include representatives of  
the child's current and past school districts, the child and any  
others considered appropriate by the Department of Education.

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## STATEMENT OF FACT

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6 This bill requires the Commissioner of Education to convene  
a pupil evaluation team for a state ward when requested to do so  
by the Department of Human Services.

8

10 Under current law, local school districts are responsible  
for conducting evaluations of state wards, while the State pays  
for any special education services that are provided pursuant to  
12 the evaluation.

14

Local school districts are occasionally unable to provide  
adequate and timely evaluations of state wards. In the case of  
16 children who have been very transient, local school districts  
frequently lack sufficient information, and in the case of  
18 homeless children, there is sometimes no local school district  
willing to accept responsibility.

20

This bill ensures that all state wards have access to needed  
22 special education services.