

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

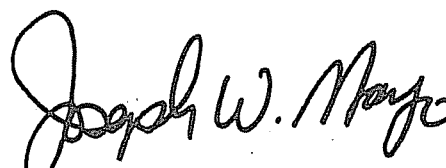
No. 476

H.P. 373

House of Representatives, February 11, 1993

An Act to Improve the Education of Exceptional Children.

Reference to the Committee on Education suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.
Cosponsored by Representatives: CATHCART of Orono, KILKELLY of Wiscasset, OLIVER of
Portland, Senator: HANDY of Androscoggin.

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

2
4 **Sec. 1. 20-A MRSA §7202, sub-§§3-A to 3-C** are enacted to read:

6 3-A. Permission for testing and evaluation. Obtain
8 permission from a student's parents, surrogate parents or
10 guardians for any testing and evaluation designed to identify or
12 educate an exceptional student;

14 3-B. Testing and evaluation materials. Include all
16 personally identifiable testing and evaluation materials in the
18 cumulative file of each exceptional student for a minimum of 6
20 years. The parents, surrogate parents or guardians of an
22 exceptional student may direct a school administrative unit to
24 retain testing and evaluation materials beyond the 6-year minimum
26 and must approve a school administrative unit's request to
28 destroy any testing and evaluation material. The parents,
30 surrogate parents or guardians of an exceptional student have
32 access to and may photocopy any evaluation material;

34 3-C. Testing and evaluation. Identify children in
36 kindergarten to grade 4 who fail to meet grade-specific social or
38 academic goals at the end of each school year. Identified
40 children must be referred for testing and evaluated for
42 disabilities. Testing and evaluation results must be included in
44 the child's cumulative file. School personnel shall monitor the
46 progress of exceptional children in accordance with rules
48 established by the commissioner;

30 **Sec. 2. 20-A MRSA §7202, sub-§7-A** is enacted to read:

32 7-A. Parent's approval of individualized education
34 program. Grant the parents, surrogate parents or guardians of an
36 exceptional student the right to approve or revise an
38 individualized education program;

40 **Sec. 3. 20-A MRSA §7202, sub-§9,** as amended by PL 1989, c.
42 857, §54, is further amended to read:

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

A. Assist the agency in its studies; and

B. Facilitate access to relevant case records by:

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

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

4 Sec. 4. 20-A MRSA §7202, sub-§10, as enacted by PL 1989, c.
6 857, §55, is amended to read:

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

18 Sec. 5. 20-A MRSA §7202, sub-§§11 to 13 are enacted to read:

20 **11. Records of meetings.** At their own expense, permit the
22 parents, surrogate parents or guardians of an exceptional student
24 to make auditory or video tape recordings of any meeting with
26 school personnel concerning their child. Parents, surrogate
parents or guardians may also revise the minutes of meetings to
accurately reflect the discussion and tone of the meeting;

28 **12. Coordinator; advocate.** At the parents', surrogate
30 parents' or guardians' request, assign an exceptional student to
32 a coordinator or advocate responsible for monitoring the
student's progress, recommending adjustments in the student's
34 services and advocating for the student. The coordinator may be
a special education teacher, advisor, counselor or other existing
employee of the school administrative unit; and

36 **13. Teacher workshops.** Require that a minimum of 25% of
38 all teacher workshop time is devoted to educating all teaching
40 staff and other staff that attend teacher workshops regarding the
symptoms, needs and effective teaching strategies for exceptional
students.

42 **STATEMENT OF FACT**

44 This bill makes a number of changes to the law concerning
46 the education of exceptional students.

48 This bill requires schools to screen for children in
50 kindergarten to grade 3 in an effort to identify exceptional
students; requires parental permission to test and evaluate an

2 exceptional student; requires testing and evaluation materials to
be retained in a student's file for a minimum of 6 years; permits
4 parents access to their child's school file; requires parental
approval of a child's individualized education program; permits
6 parents to make video and audio tape recordings of meetings with
school personnel; requires schools to provide case managers for
an exceptional student; requires schools to provide advocates for
8 an exceptional student; and requires schools to devote 25% of
workshop time to special education training.