

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1117

H.P. 800

House of Representatives, March 30, 1995

An Act to Improve the Education of Exceptional Children.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.

Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BARTH of Bethel, BENEDIKT of Brunswick, BIRNEY of Paris, BOUFFARD of Lewiston, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DESMOND of Mapleton, DORE of Auburn, DRISCOLL of Calais, ETNIER of Harpswell, FITZPATRICK of Durham, GOULD of Greenville, GREEN of Monmouth, GWADOSKY of Fairfield, JACQUES of Waterville, JONES of Bar Harbor, JOSEPH of Waterville, KEANE of Old Town, KILKELLY of Wiscasset, KONTOS of Windham, LANE of Enfield, LEMKE of Westbrook, LIBBY of Kennebunk, LOOK of Jonesboro, McELROY of Unity, MITCHELL of Vassalboro, MURPHY of Berwick, NADEAU of Saco, O'NEAL of Limestone, PERKINS of Penobscot, PLOWMAN of Hampden, POULIOT of Lewiston, REED of Dexter, SAMSON of Jay, SAXL of Bangor, SIMONEAU of Thomaston, STEVENS of Orono, TREAT of Gardiner, TUFTS of Stockton Springs, VIGUE of Winslow, YACKOBITZ of Hermon, Senators: ABROMSON of Cumberland, BUSTIN of Kennebec, CAREY of Kennebec, FAIRCLOTH of Penobscot, FERGUSON of Oxford, HALL of Piscataquis, MILLS of Somerset, O'DEA of Penobscot, PINGREE of Knox, RAND of Cumberland, STEVENS of Androscoggin.

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

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

4
5 **3-A. Testing and evaluation materials.** Include all
6 personally identifiable testing and evaluation materials in one
7 file for each exceptional student for a minimum of 6 years. The
8 student, parent or parents, surrogate parent or parents or
9 guardian or guardians of an exceptional student may direct a
10 school administrative unit to retain testing and evaluation
11 materials beyond the 6-year minimum and a school administrative
12 unit may not destroy any testing and evaluation material without
13 the approval of the parents, surrogate parents or guardians. The
14 parents, surrogate parents or guardians of an exceptional student
15 have access to testing and evaluation material, but may not
16 photocopy or duplicate copyrighted evaluation material;

17 **Sec. 2. 20-A MRSA §7202, sub-§9**, as amended by PL 1989, c.
18 857, §54, is further amended to read:

19
20 **9. Securing parental permission.** For the Protection and
21 Advocacy Agency for the Developmentally Disabled in Maine
22 conducting studies pursuant to Title 22, chapter 961:

23 A. Assist the agency in its studies; and

24 B. Facilitate access to relevant case records by:

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

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

28
29 **Sec. 3. 20-A MRSA §7202, sub-§10**, as enacted by PL 1989, c.
30 857, §55, is amended to read:

31
32 **10. Department of Human Services; authority to request**
33 **convening of pupil evaluation team meeting.** Notify in writing
34 the individual designated by the Department of Human Services
35 that the Department of Human Services has the authority to
36 request the school administrative unit to convene a pupil
37 evaluation team meeting and to attend and participate in any
38 pupil evaluation team meetings concerning an exceptional student
39 who is a state ward. The written notice must indicate the time
40 and place of the pupil evaluation team meeting and a copy of the
41 notice must be placed in the exceptional student's permanent
42 record.;

43
44 **Sec. 4. 20-A MRSA §7202, sub-§11** is enacted to read:

