## 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.

OSEPH 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.

Re	iŧ	enacted	hv	the	People	ωf	the	State	οf	Maine a	26	follows:
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	be it enacted by the reopie of the State of Maine as follows:
2	C. 1 20 A NADCA 97202 1 92 A .
4	Sec. 1. 20-A MRSA §7202, sub-§3-A is enacted to read:
-1	3-A. Testing and evaluation materials. Include all
6	personally identifiable testing and evaluation materials in one
	file for each exceptional student for a minimum of 6 years. The
8	student, parent or parents, surrogate parent or parents or
	guardian or guardians of an exceptional student may direct a
10	school administrative unit to retain testing and evaluation
	materials beyond the 6-year minimum and a school administrative
12	unit may not destroy any testing and evaluation material without
	the approval of the parents, surrogate parents or guardians. The
14	parents, surrogate parents or guardians of an exceptional student
	have access to testing and evaluation material, but may not
16	<pre>photocopy or duplicate copyrighted evaluation material;</pre>
18	Sec. 2. 20-A MRSA §7202, sub-§9, as amended by PL 1989, c.
10	857, \$54, is further amended to read:
20	337, 334, is fulched amended to read.
20	9. Securing parental permission. For the Protection and
22	Advocacy Agency for the Developmentally Disabled in Maine
	conducting studies pursuant to Title 22, chapter 961:
24	continuous parameter to aller all, the parameter to
	A. Assist the agency in its studies; and
26	· •
	B. Facilitate access to relevant case records by:
28	
	(1) Notifying parents or guardians of the study; and
30	
	(2) Requesting parental consent for the agency to have
32	access to case records; and
2.4	Sec. 3. 20-A MRSA §7202, sub-§10, as enacted by PL 1989, c.
34	857, §55, is amended to read:
36	657, 355, is amended to read:
30	10. Department of Human Services; authority to request
38	convening of pupil evaluation team meeting. Notify in writing
	the individual designated by the Department of Human Services
40	that the Department of Human Services has the authority to
	request the school administrative unit to convene a pupil
42	evaluation team meeting and to attend and participate in any
	pupil evaluation team meetings concerning an exceptional student
44	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
46	notice must be placed in the exceptional student's permanent
	record+;
48	

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

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11. Records of meetings. At their own expense, permit the parents, surrogate parents or guardians of an exceptional student to make auditory or video tape recordings of a pupil evaluation team meeting or meetings with personnel concerning their child. Parents, surrogate parents or guardians may also attach supplemental documentation to the minutes of meetings to accurately reflect the discussion and tone of the meeting; and

Sec. 5. 20-A MRSA §7202-A is enacted to read:

#### §7202-A. Assignment of case manager

At the request of school personnel, parents, surrogate parents or guardians, a school administrative unit may assign an exceptional student to a case manager responsible for monitoring the student's progress, recommending adjustments in the student's services and advocating for the student. The case manager may be a special education teacher, advisor, counselor or other existing employee of the school administrative unit. The assignment of a case manager in accordance with this subsection must be accomplished within the school administrative unit's existing resources.

### STATEMENT OF FACT

This bill requires testing and evaluation materials to be retained in an exceptional student's file for a minimum of 6 years and permits parents access to these records. The bill also permits parents to make tape recordings of meetings with school personnel and allows schools to provide case managers for exceptional students.