

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

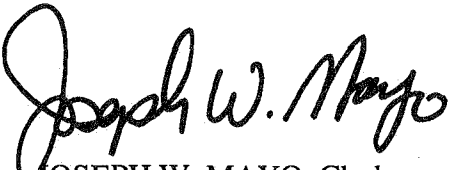
No. 1158

H.P. 853

House of Representatives, February 20, 1997

**An Act to Amend the Laws Concerning Special Education of
Exceptional Students.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative CHARTRAND of Rockland. (By Request)
Cosponsored by Representatives: COWGER of Hallowell, MCKEE of Wayne.

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

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4 **Sec. 1. 20-A MRSA §7001, sub-§2, ¶C**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

6 C. Requires special education because of an impairment in
8 one or more of the following:

- 8 (1) Vision;
- 10 (2) Hearing;
- 12 (3) Speech and language;
- 14 (4) Cerebral or perceptual functions;
- 16 (5) Physical mobility functions;
- 18 (6) Behavior Emotional functions, including serious
20 emotional disturbance; or
- 22 (7) Mental development or maturation.

24 **Sec. 2. 20-A MRSA §7001, sub-§8-A** is enacted to read:

26 8-A. Serious emotional disturbance. "Serious emotional
28 disturbance" means the exhibition of one or more of the following
characteristics over a long period of time and to a marked
30 degree, which adversely affects educational performance:

32 A. An inability to learn that can not be explained by
intellectual, sensory or health factors;

34 B. An inability to build or maintain satisfactory
interpersonal relationships with peers and teachers;

36 C. Inappropriate types of behavior or feelings under normal
38 circumstances;

40 D. A general pervasive mood of unhappiness or depression; or

42 E. A tendency to develop physical symptoms or fears
44 associated with personal or school problems.

46 "Serious emotional disturbance" does not include social
maladjustment if none of the other characteristics set out in
48 this subsection are present.

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

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B. Facilitate access to relevant case records by:

- (1) Notifying parents or guardians of the study; and
- (2) Requesting parental consent for the agency to have access to case records; and

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

10. Department of Human Services; authority to request convening of pupil evaluation team meeting. Notify in writing the individual designated by the Department of Human Services that the Department of Human Services has the authority to 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; and

Sec. 5. 20-A MRS §7202, sub-§11 is enacted to read:

11. Change of program or placement for exceptional students. Ensure that a significant change in program or placement, which is any change of program for or placement of an exceptional student who has been identified as a student with a disability in excess of 10 consecutive days within any school year, occurs only after written notice to the parent indicating the time and place of a pupil evaluation team meeting to review and amend as necessary the student's individualized education program.

SUMMARY

This bill amends the definition of an exceptional student under the special education laws to substitute impairment of emotional functions for impairment of behavior and provides a definition of "serious emotional disturbance."

This bill also clarifies that a significant change of program for or placement of an exceptional student is one that is in excess of 10 consecutive days.