

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1646

H.P. 1149

House of Representatives, March 3, 1999

An Act to Amend Due Process Hearings for Exceptional Students.

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 DAVIDSON of Brunswick.

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

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Sec. 1. 20-A MRSA §7207-B, sub-§2, ¶B, as enacted by PL 1985, c. 318, §3, is amended to read:

B. Appeal the decision of the hearing officer to the Superior Court or to a United States District Court. In the event that the hearing officer has found in favor of the school administrative unit, the legal cost associated with such an appeal must be borne by the department. The department may be represented by the Office of the Attorney General in such appeals.

SUMMARY

Current law allows a parent, surrogate parent, guardian or school administrative unit to request and receive a hearing regarding the identification, evaluation and educational program of a student. The decision may be appealed.

This bill requires the Department of Education to pay the cost of the appeal if the original decision favored the school administrative unit.