

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1134

H.P. 862

House of Representatives, February 22, 2001

**An Act to Create Equity Among all Children in Need of Special
Education or Supportive Services.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative RICHARDSON of Brunswick.

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

Sec. 1. 20-A MRSA §7202, sub-§9, as amended by PL 1989, c. 857, §54, is further amended to read:

9. Securing parental permission. For the ~~Protection and Advocacy~~ Agency protection and advocacy agency for the ~~Developmentally Disabled in Maine~~ persons with disabilities conducting studies pursuant to Title 22 ~~5~~, chapter 961 ~~511~~:

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

Sec. 2. 20-A MRSA §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. 3. 20-A MRSA §7202, sub-§11 is enacted to read:

11. Private school students and home schooled students. Provide special education and supportive services, at a public school when space is available, to each exceptional private school student and each exceptional home schooled student within the jurisdiction of the school administrative unit. These services must be equivalent to the services provided to each exceptional student enrolled in public school. The department shall adopt rules to implement this subsection by January 1, 2002. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2

SUMMARY

4

This bill requires the Department of Education to amend its rules to provide equivalent special education and supportive services to all students whether they are in a public school, private school or home school. It also corrects a reference to the former Protection and Advocacy Agency for the Developmentally Disabled in Maine and corrects a cross-reference.

6

8