

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 161

H.P. 140

House of Representatives, January 20, 2009

An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WEBSTER of Freeport.
Cosponsored by Senator MILLS of Somerset and Representatives: McFADDEN of Dennysville, PETERSON of Rumford, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, Senators: BOWMAN of York, DIAMOND of Cumberland.

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

2 **Sec. 1. 20-A MRSA §6452**, as amended by PL 1989, c. 730 and PL 2003, c. 689,
3 Pt. B, §§6 and 7, is repealed.

4 **Sec. 2. 20-A MRSA §6662, sub-§2**, as enacted by PL 2005, c. 435, §1, is
5 amended to read:

6 **2. Food and beverages outside school lunch programs.** The department ~~shall~~ may
7 adopt rules to establish standards for food and beverages sold or distributed on school
8 grounds but outside of school meal programs. These standards must include maximum
9 portion sizes, except for portion sizes for milk, that are consistent with single-serving
10 standards established by the United States Food and Drug Administration. Rules adopted
11 pursuant to this subsection are ~~major-substantive~~ routine technical rules as defined in
12 Title 5, chapter 375, subchapter 2-A.

13 Rules adopted pursuant to this subsection do not apply to food and beverages sold or
14 offered at community events or fund-raisers held outside the hours of the normal school
15 day.

16 **Sec. 3. 20-A MRSA §7801, first ¶**, as amended by PL 2007, c. 539, Pt. JJJJ, §1,
17 is further amended to read:

18 It is the purpose of this chapter to plan, coordinate and implement service for ~~youth~~
19 students with handicaps disabilities, 14 years of age or older and under 26 years of age,
20 who are in transition from school to the community. It is also the purpose of this chapter
21 to provide for an efficient and streamlined system of services across state agencies to
22 include local and private entities that effectively deliver a combination of services that
23 meet the needs of youth students with handicaps disabilities by:

24 **Sec. 4. 20-A MRSA §7802, sub-§2**, as enacted by PL 1985, c. 768, §1, is
25 amended to read:

26 **2. Students with disabilities in transition.** "~~Handicapped-youths~~ Students with
27 disabilities in transition" are those ~~youths~~ students with disabilities who have attained the
28 age of 14 years and meet the eligibility criteria as defined in the United States
29 Rehabilitation Act, Public Law 93-112, Section 504, as amended.

30 **Sec. 5. 20-A MRSA §7802, sub-§3**, as amended by PL 2007, c. 539, Pt. JJJJ, §3,
31 is further amended to read:

32 **3. Services.** "Services" means those activities undertaken to provide special
33 education, habilitation, rehabilitation, vocational and related services to ~~handicapped~~
34 persons students with disabilities in transition from school to community. These services
35 may include, but are not limited to:

36 A. Identification of all ~~handicapped-youth~~ students with disabilities in transition in
37 schools and in the community;

- 1 B. Referral to appropriate community services and information regarding their
- 2 location;
- 3 C. Technical assistance for student education and transition plan development and
- 4 implementation;
- 5 D. Program development and evaluation;
- 6 E. Case management and student tracking;
- 7 F. Family training, counseling and support;
- 8 G. Employer training, counseling and support;
- 9 H. Facilitation of interagency communication and collaboration; and
- 10 I. Planning and conducting skill development training.

11 **Sec. 6. 20-A MRSA §7803-A**, as amended by PL 2007, c. 539, Pt. JJJJ, §7, is
12 further amended to read:

13 **§7803-A. Transition services**

14 Each school administrative unit shall provide an annual statement of the transition
15 services needed by a ~~handicapped youth~~ student with a disability in transition enrolled in
16 that unit. The statement of transition services must be provided to all ~~handicapped youth~~
17 students with disabilities in transition who are 16 years of age or older and enrolled in
18 school and may be provided to younger students when the school administrative unit
19 finds it necessary. When appropriate, a cooperative agreement among the ~~Department of~~
20 Education department, the Department of Health and Human Services, the Department of
21 Corrections and the Department of Labor must be included as part of the annual statement
22 describing the responsibilities of and coordination required by those agencies. If a
23 cooperating agency fails to provide agreed-upon services, the school administrative unit
24 may notify the chair of the committee, who may reconvene the cooperating agencies for
25 the purposes of developing alternative strategies to meet the transition objectives. This
26 section does not require any school administrative unit to provide noneducational services
27 to students.

28 **Sec. 7. 20-A MRSA §7804, sub-§1-A**, as amended by PL 2007, c. 539, Pt. JJJJ,
29 §8, is further amended to read:

30 **1-A. Grants.** The committee, as established in section 7803, may provide funds to
31 support the effective delivery of regional services to handicapped youth students with
32 disabilities in transition by coordinating existing programs, when possible, and
33 establishing a mechanism for ongoing coordination of programs for ~~handicapped youths~~
34 students with disabilities in transition at a local or regional level, including local
35 educational agencies, community mental health centers, regional mental retardation
36 services, regional rehabilitation programs and other public and private agencies as
37 appropriate. Each project must establish a method to identify unserved and underserved
38 ~~handicapped youths~~ students with disabilities in transition and develop services for these
39 youths students.

1 **Sec. 8. 20-A MRSA §7804, sub-§2**, as amended by PL 2007, c. 539, Pt. JJJJ, §8,
2 is further amended to read:

3 **2. Rules.** The committee shall adopt rules that, among other provisions, require that
4 existing resources for providing services to ~~handicapped youths~~ students with disabilities
5 in transition be exhausted prior to using grants funds to provide services.

6 **Sec. 9. 20-A MRSA §8102**, as amended by PL 2003, c. 477, §§7 and 8, is further
7 amended to read:

8 **§8102. Grants to school administrative units**

9 The department may, from federal or other funds available to it, grant funds to a
10 school administrative unit to ~~undertake~~ provide gifted and talented education programs.
11 A grant must be made on the basis of the requirements of the department.

12 **1. Guidelines for the identification of gifted and talented students.** The
13 commissioner shall may adopt or amend rules for the identification of gifted and talented
14 students and for gifted and talented education programs.

15 **2. Programs for gifted and talented students.** A school administrative unit
16 requesting funds to ~~undertake~~ provide a gifted and talented education program shall
17 develop a proposed program of identification and education in accordance with
18 guidelines established by the commissioner.

19 ~~**3. Time limits.** The following limits apply.~~

20 ~~A. On or before June 30th, the school administrative unit shall submit to the~~
21 ~~department its proposed program.~~

22 ~~B. By September 1st, the commissioner shall notify the school administrative unit~~
23 ~~whether the proposal has been funded for the following fiscal year.~~

24 **4. Technical assistance.** The commissioner may provide technical assistance to a
25 school administrative unit for planning for gifted and talented education programs.

26 **Sec. 10. 20-A MRSA §8104**, as amended by PL 2003, c. 477, §§10 and 11, is
27 repealed.

28 **Sec. 11. 20-A MRSA §8105** is enacted to read:

29 **§8105. Rules**

30 The commissioner may adopt or amend rules to implement this chapter, including the
31 identification of students, needs and resource assessment and program planning,
32 development and implementation. Rules adopted pursuant to this section are routine
33 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

34 **Sec. 12. 20-A MRSA §9901**, as enacted by PL 2005, c. 639, §1, is repealed.

