

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 775

H.P. 582

House of Representatives, March 1, 2011

An Act To Clarify Special Education Reporting Requirements

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative LOVEJOY of Portland.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: JOHNSON of Greenville, McCLELLAN of Raymond, SANBORN of
Gorham, WAGNER of Lewiston, Senator: LANGLEY of Hancock.

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

2 **Sec. 1. 20-A MRSA §7207-D** is enacted to read:

3 **§7207-D. Reporting requirements**

4 **1. Report of legal dispute.** A school administrative unit must report to the
5 commissioner when there is a legal dispute between a parent, surrogate parent or guardian
6 of a child with a disability and the school administrative unit concerning a student's
7 special education program. The reports must:

8 A. Identify the reporting school administrative unit. The reports may not provide
9 any personally identifiable information about the student involved in the dispute;

10 B. Identify the nature of the dispute;

11 C. Identify any expenses the school administrative unit incurred for consultants or
12 attorneys to settle the dispute, including the purpose of the expense and the dollar
13 amount paid to each party;

14 D. Identify the names of any individuals, including special education educators,
15 counselors or therapists, who are not in agreement with the school administrative
16 unit's position in the dispute; and

17 E. Identify the final resolution of the dispute, including all costs. An agreement
18 negotiated to settle a dispute may not contain a nondisclosure provision.

19 In a legal dispute when the department believes the school administrative unit has not
20 complied with the provisions of this chapter, the commissioner shall refer the matter to
21 the Attorney General, who shall take appropriate action to bring the school administrative
22 unit into compliance.

23 **2. Report to Legislature.** The commissioner shall track the reports submitted
24 pursuant to subsection 1 by school administrative units to identify any unusual patterns of
25 disputes from one school administrative unit to another. The commissioner shall report
26 annually to the joint standing committee of the Legislature having jurisdiction over
27 education matters the number of disputes each school administrative unit has been
28 involved in, the resolution of each dispute, the costs incurred to settle each dispute and
29 whether there are significant variations in the types of disputes in which the school
30 administrative units are involved.

31 **3. Information retained regarding dispute.** A school administrative unit involved
32 in a dispute under subsection 1 shall maintain a file on the dispute, including the costs
33 incurred to settle the dispute and any expenses paid to the parties involved in the dispute.
34 The file may not contain personally identifiable information on the student involved in
35 the dispute. The files must be available to the public upon request.

36 **SUMMARY**

37 This bill requires a school administrative unit to report legal disputes between a
38 parent, surrogate parent or guardian of a child with a disability and the school

1 administrative unit concerning a student's special education program to the Commissioner
2 of Education. This bill also requires the Commissioner of Education to track these
3 reports and report annually to the joint standing committee of the Legislature having
4 jurisdiction over education matters a summary of the reports received from school
5 administrative units. This bill also requires school administrative units to maintain files
6 on each dispute.