

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1110

H.P. 822

House of Representatives, March 15, 2011

An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings

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 KENT of Woolwich.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: INNES of Yarmouth, NELSON of Falmouth, STRANG BURGESS of
Cumberland, VOLK of Scarborough, WAGNER of Lewiston, Senator: GERZOFSKY of
Cumberland.

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

2 **Sec. 1. 20-A MRSA §7202, sub-§9**, as amended by PL 2005, c. 662, Pt. A, §23,
3 is further amended to read:

4 **9. Securing parental permission.** For the agency conducting studies pursuant to
5 Title 5, chapter 511:

6 A. Assist the agency in its studies; and

7 B. Facilitate access to relevant case records by:

8 (1) Notifying parents or guardians of the study; and

9 (2) Requesting parental consent for the agency to have access to case records;
10 ~~and~~

11 **Sec. 2. 20-A MRSA §7202, sub-§10**, as amended by PL 2005, c. 662, Pt. A, §23,
12 is further amended to read:

13 **10. Department of Health and Human Services; authority to request convening**
14 **of pupil evaluation team meeting.** Notify in writing the individual designated by the
15 Department of Health and Human Services that the Department of Health and Human
16 Services has the authority to request the school administrative unit to convene a pupil
17 evaluation team meeting and to attend and participate in any pupil evaluation team
18 meetings concerning a child with a disability who is a state ward. The written notice
19 must indicate the time and place of the pupil evaluation team meeting and a copy of the
20 notice must be placed in the child's permanent record-; and

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

22 **11. Attorney's presence at team meeting.** Provide that the school administrative
23 unit will not be represented by an attorney at a pupil evaluation team meeting unless the
24 parent is also represented at the meeting by an attorney. The parent shall notify the
25 school administrative unit prior to the meeting if an attorney will be present.

26 **SUMMARY**

27 This bill provides that a school administrative unit may not be represented at a pupil
28 evaluation team meeting by an attorney unless the parent is also represented at the
29 meeting by an attorney.