

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ZMG
R. of S.

Date: 6/6/11

(Filing No. H-536)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 986, L.D. 1345, Bill, "An Act To Align Maine Special Education Statutes with Federal Requirements"

Amend the bill in section 2 by striking out all of subsection 13 (page 1, lines 5 to 9 in L.D.) and inserting the following:

'13. Transitional services for students with disabilities. To provide for an efficient and effective coordinated system of services across state agencies and local and private entities, the commissioner shall plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by inserting after section 2 the following:

'Sec. 3. 20-A MRSa §7001, sub-§2-C is enacted to read:

2-C. Individualized education program team. "Individualized education program team" means the group of individuals composed in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to determine the individualized education program for a child with a disability.'

Amend the bill in section 4 by striking out all of subsection 10 (page 1, lines 21 to 28 in L.D.) and inserting the following:

'10. Department of Health and Human Services; authority to request convening of individualized education program team meeting. Notify in writing the individual designated by the Department of Health and Human Services that the Department of Health and Human Services has the authority to request the school administrative unit to convene a ~~pupil evaluation~~ an individualized education program team meeting and to attend and participate in any ~~pupil evaluation~~ individualized education program team meetings concerning a child with a disability who is a state ward. The written notice must indicate the time and place of the ~~pupil evaluation~~ individualized education program

COMMITTEE AMENDMENT

1 team meeting and a copy of the notice must be placed in the child's permanent record;
2 and'

3 Amend the bill by striking out all of section 6 (page 1, lines 35 and 36 in L.D.)

4 Amend the bill by striking out all of sections 8 to 16 (page 2, lines 2 to 36 and page 3,
5 lines 1 to 12 in L.D.) and inserting the following:

6 'Sec. 8. 26 MRSA §1411-D, sub-§9, as enacted by PL 1995, c. 560, Pt. F, §13, is
7 amended to read:

8 9. **Transitional services coordination.** ~~Shall participate in the coordination of~~
9 ~~rehabilitation services with local transitional services coordination projects for youth with~~
10 ~~disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff~~
11 ~~and resources as available and necessary in each region to be served by a project with~~
12 school administrative units in transition planning for each student receiving special
13 education services who is 16 years of age or older, or 14 years of age if determined
14 appropriate by the student's individualized education program team, and shall assign
15 appropriate staff as a transition contact person and as a member of the transition planning
16 team for each student.

17 Sec. 9. 34-B MRSA §3004, sub-§3, ¶D, as amended by PL 2009, c. 147, §12, is
18 further amended to read:

19 D. ~~Participate in the coordination of services for persons with school administrative~~
20 units in transition planning for each student with chronic mental illnesses with local
21 ~~transitional services coordination projects for students with disabilities, as established~~
22 ~~in Title 20-A, chapter 308, assigning appropriate regional staff and resources as~~
23 ~~available and necessary in each region to be served by a project who is receiving~~
24 special education services and who is 16 years of age or older, or 14 years of age if
25 determined appropriate by the student's individualized education program team, and
26 shall assign appropriate staff as a transition contact person and as a member of the
27 transition planning team for each student.

28 Sec. 10. 34-B MRSA §5433, sub-§5, as amended by PL 2009, c. 147, §13, is
29 further amended to read:

30 5. **Transitional services coordination.** ~~Participate in the coordination of services~~
31 ~~for individuals with school administrative units in transition planning for each student~~
32 ~~with developmental disabilities with local transitional services coordination projects for~~
33 ~~students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate~~
34 ~~regional staff and resources as available and necessary in each region to be served by a~~
35 ~~project who will be eligible for services under chapter 5 or 6 who is receiving special~~
36 education services and who is 16 years of age or older, or 14 years of age if determined
37 appropriate by the student's individualized education program team, and shall assign
38 appropriate staff as a transition contact person and as a member of the transition planning
39 team for each student.'

40 Amend the bill by adding after section 17 the following:

41 'Sec. 18. **Interagency Transition Coordination Services.** The Department of
42 Education shall form a work group, including representation from the Department of

COMMITTEE AMENDMENT "A" to H.P. 986, L.D. 1345

1 Labor, Department of Corrections, Department of Health and Human Services and other
 2 public and private stakeholders, to review current requirements for transition services in
 3 the Maine Revised Statutes, Title 20-A, section 7258 and to determine the appropriate
 4 location and content of those requirements in statute to reflect the responsibilities of each
 5 agency related to transition planning for students with disabilities. The Department of
 6 Education shall report to the Joint Standing Committee on Education and Cultural Affairs
 7 and the Joint Standing Committee on Health and Human Services by January 15, 2012 on
 8 the findings and recommendations of this work group. The committees are authorized to
 9 submit legislation related to the report to the Second Regular Session of the 125th
 10 Legislature to facilitate the implementation of the work group's recommendations.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 12 section number to read consecutively.

13 **SUMMARY**

14 This amendment clarifies language in the bill that provides for the participation of
 15 representatives of the Department of Labor, the Department of Corrections and the
 16 Department of Health and Human Services in transition planning for students who are in
 17 transition from school to the community. The amendment also requires the Department
 18 of Education to form a work group with representation from those departments and other
 19 private and public stakeholders to determine appropriate statutory language pertaining to
 20 transition to adult services and the allocation of those statutory provisions in the Maine
 21 Revised Statutes to reflect the responsibilities of the various state agencies.

22 **FISCAL NOTE REQUIRED**

23 (See attached)



Approved: 06/04/11 *mac*

125th MAINE LEGISLATURE

LD 1345

LR 241(02)

An Act To Align Maine Special Education Statutes with Federal Requirements

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to establish the required work group and prepare the required report can be absorbed within existing budgeted resources. Additional costs to the Department of Labor to participate in the required review can be absorbed within existing budgeted resources. The additional costs to the Department of Health and Human Services can also be absorbed utilizing existing budgeted resources.