

# MAINE STATE LEGISLATURE

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SAR  
ROS

L.D. 552

Date: 6-30-2021

(Filing No. H- 739)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 397,  
L.D. 552, "An Act To Strengthen the Individualized Education Program Process"

Amend the amendment in section 1 in the 13th line (page 1, line 26 in amendment) by inserting after the following: "guardian." the following: 'It is not unreasonable to deny participation of an education technician or other educator if participation by that individual would require the expenditure of funds by the school administrative unit.'

Amend the amendment by inserting after section 1 the following:

**Sec. 2. Reimbursement. Resolved:** That the Department of Education shall develop a process to provide reimbursement to school administrative units for 90% of the costs associated with obtaining parental consent in cases of a material change in services to, or a substantial change in the placement of, a student with a disability, and shall provide such reimbursement.

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF  
Parental Consent - Mandate N409**

Initiative: Provides ongoing funds to reimburse local school administrative units for 90% of the costs associated with obtaining parental consent in cases of a material change in services to, or a substantial change in the placement of, a student with a disability.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$2,397	\$2,397
<b>GENERAL FUND TOTAL</b>	<hr/> \$2,397	<hr/> \$2,397

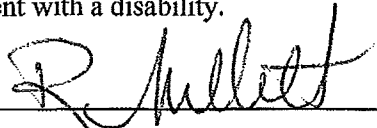
Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

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This amendment allows the denial of participation of an education technician or other educator in an individualized education program team meeting if participation by that person would require the expenditure of funds by the school administrative unit.

This amendment also requires the Department of Education to develop a process to provide reimbursement to school administrative units for 90% of the cost of obtaining parental consent in cases of a material change in services to, or a substantial change in the placement of, a student with a disability.

SPONSORED BY: \_\_\_\_\_

(Representative MILLETT, R.)

TOWN: Cape Elizabeth

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 130th MAINE LEGISLATURE

LD 552

LR 857(04)

An Act To Strengthen the Individualized Education Program Process

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Millett of Cape Elizabeth

Fiscal Note Required: Yes

(H-739)

## Fiscal Note

### State Mandate - Funded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$2,397	\$2,397	\$2,397	\$2,397
<b>Appropriations/Allocations</b>				
General Fund	\$2,397	\$2,397	\$2,397	\$2,397

### State Mandates

Required Activity	Unit Affected	Local Cost
Requires the Department of Education to amend rule Chapter 101, Maine Unified Special Education Regulation Birth to Age Twenty to require school administrative units to obtain parental consent in cases of a material change in services to, or a substantial change in the placement of, a student with a disability. Requires the rule to clearly articulate methods of acquiring parental consent including options to address a lack of response from parents or guardians.	School	\$2,664

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

### Fiscal Detail and Notes

The bill requires rule chapter 101 to be amended to provide that education technicians and other educators with direct regular contact may not be unreasonably denied participation at individualized education program (IEP) team meetings if requested by the parent or guardian. This amendment clarifies that it is not unreasonable to deny such participation if it requires expenditure of school funds.

This amendment also adds ongoing General Fund appropriations of \$2,397 per year beginning in fiscal year 2021-22 to a newly created Parental Consent - Mandate program within the Department of Education to reimburse local school administrative units for 90% of the costs of obtaining parental consent. This estimate assumes the methods of acquiring parental consent in the rule will include telephone calls, written correspondence sent through first class mail and, if no response is received, through certified mail with a return receipt requested. This estimate also assumes a cost for a home and/or workplace visit by a principal in an attempt to obtain parental consent. This estimate may need to be revised depending on the methods of acquiring parental consent that are included in the final amended rule.