

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 98

H.P. 66

House of Representatives, January 9, 2023

An Act to Update the Special Education Laws

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


ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.

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

2 **Sec. 1. 20-A MRSA §7001, sub-§1-B, ¶B**, as amended by PL 2011, c. 542, Pt. A,
3 §21, is further amended to read:

4 B. For children at least 3 years of age and under ~~20~~ 22 years of age evaluated in
5 accordance with the federal Individuals with Disabilities Education Act, 20 United
6 States Code, Section 1414, subsections (a) to (c) as measured by both standardized,
7 norm-referenced diagnostic instruments and appropriate procedures with delays or
8 impairments such that the children need special education:

9 (1) A child at least 3 years of age and under 6 years of age with a significant
10 developmental delay, at the discretion of the intermediate educational unit or
11 school administrative unit, as defined in rules adopted by the department, in one or
12 more of the following areas: cognitive development; physical development,
13 including vision and hearing; communication development; social or emotional
14 development; adaptive development; or

15 (2) A child with at least one of the following:

16 (a) Intellectual disability;

17 (b) ~~Hearing impairment, including deafness~~ Deafness, including hearing loss;

18 (c) Speech or language impairment;

19 (d) Visual impairment, including blindness;

20 (e) Serious emotional disturbance;

21 (f) Orthopedic impairment;

22 (g) Autism;

23 (h) Traumatic brain injury;

24 (i) Other health impairment;

25 (j) Specific learning disabilities;

26 (k) ~~Deafness and blindness~~ Deaf-blindness; and

27 (l) Multiple disabilities.

28 **Sec. 2. 20-A MRSA §7201, sub-§1**, as amended by PL 2005, c. 662, Pt. A, §22, is
29 further amended to read:

30 **1. Equal educational opportunities for an appropriate education.** All students
31 must be provided with equal ~~educational~~ opportunities for an appropriate education and all
32 school administrative units shall provide equal ~~educational~~ opportunities for an appropriate
33 education for all children with disabilities.

34 **Sec. 3. 20-A MRSA §7201, sub-§2-A, ¶B**, as enacted by PL 2005, c. 662, Pt. A,
35 §22, is amended to read:

36 B. Children with disabilities at least 3 years of age and under ~~20~~ 22 years of age,
37 including children in public or private institutions or other care facilities, must be
38 educated with children without disabilities by means of appropriate educational
39 programming, including transitional programs. Educational programming may be full-

1 time or part-time and must be equitable to that provided to typically developing same-
2 age peers. Transitional programs include the delivery of special education services by
3 qualified individuals. Special classes, separate schooling or other removal of children
4 with disabilities from the regular educational environment may occur only when the
5 nature or severity of the disability of a child is such that education in regular classes
6 with the use of supplementary aids and services cannot be achieved satisfactorily.

7 **Sec. 4. 20-A MRSA §7202, sub-§3**, as amended by PL 2005, c. 662, Pt. A, §23, is
8 further amended to read:

9 **3. Diagnosis and evaluation.** Provide the evaluations and assessments required by
10 the federal Individuals with Disabilities Education Act, 20 United States Code, Section
11 1400 et seq., as amended, to plan and implement a special education program for children
12 with disabilities at least 3 years of age and under ~~20~~ 22 years of age within its jurisdiction;

13 **Sec. 5. 20-A MRSA §7258, sub-§1**, as enacted by PL 1997, c. 345, §1, is amended
14 to read:

15 **1. Attendance at ~~pupil-evaluation individualized education program~~ team**
16 **meetings.** Annually, representatives from appropriate state service agencies, as determined
17 by the ~~pupil-evaluation individualized education program~~ team of the school administrative
18 unit, and in accordance with special education rules, shall designate a transition contact
19 person to participate in transition planning for students with disabilities. The transition
20 contact person shall attend ~~pupil-evaluation individualized education program~~ team
21 meetings or provide relevant information to the ~~pupil-evaluation individualized education~~
22 program team for transition planning purposes. This requirement applies to students with
23 disabilities who have attained 16 years of age, or 14 years of age when determined by the
24 ~~pupil-evaluation individualized education program~~ team to be appropriate.

25 **Sec. 6. 20-A MRSA §7258, sub-§1-A**, as amended by PL 2011, c. 542, Pt. A, §22,
26 is further amended to read:

27 **1-A. Care manager.** Within 2 years before the date that a student with an intellectual
28 disability, serious emotional disturbance or other developmental disabilities will graduate
29 or finish school, the Department of Health and Human Services, in consultation with the
30 ~~pupil-evaluation individualized education program~~ team of the school administrative unit,
31 shall designate a case manager to participate in transition planning for that student. The
32 case manager shall convene an adult services transition team, ensure interagency
33 coordination and access to adult services, serve as a single contact person for the student
34 transitioning into the adult services and attend ~~pupil-evaluation individualized education~~
35 program team meetings or provide relevant information to the ~~pupil-evaluation~~
36 individualized education program team for transition planning purposes.

37 **Sec. 7. 20-A MRSA §8305-A, sub-§3**, as amended by PL 2011, c. 679, §8, is
38 further amended to read:

39 **3. Adult participation in career and technical education courses.** ~~Persons~~ A person
40 who is continuing the person's educational placement until the person attains 22 years of
41 age and who is enrolled in a special education program has the right to participate in career
42 and technical education courses. A person who ~~are 20~~ is 22 years of age or older or who
43 ~~have~~ has graduated from a secondary school and who otherwise ~~comply~~ complies with the
44 requirements of this section may receive career and technical education in a career and

1 technical education course if, after all other eligible persons have been enrolled in that
2 course, space exists to accommodate participation by ~~persons who are 20 years of age or~~
3 ~~older or who have graduated from a secondary school~~ that person. A region, center or
4 satellite program may charge reasonable fees to ~~persons~~ a person who ~~receive~~ receives
5 career and technical education pursuant to this subsection.

6 **SUMMARY**

7 This bill clarifies that providing equal opportunities for education for children with
8 disabilities means providing equal opportunities for an appropriate education. The bill
9 changes the age of eligibility for special education and for participation in career and
10 technical education courses by adults who are enrolled in special education from under 20
11 to under 22. The bill replaces the term "pupil evaluation team" with "individualized
12 education program team" and updates references to deafness and blindness.