

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
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services to individuals with disabilities, including the number of case managers per child. A goal of such work is that the Department of Education and the Department of Health and Human Services work together to determine how data systems can be designed to facilitate analysis of data across departments.

If the steering committee of the Maine Education Policy Research Institute approves the inclusion of a targeted research project as outlined in this section to the fiscal year 2007-08 work plan, the principal investigators of the Maine Education Policy Research Institute shall deliver a report on or before January 31, 2008 to the Joint Standing Committee on Education and Cultural Affairs.

Sec. B-4. Transition policy. The Department of Education shall develop, in consultation with school administrative units and Child Development Services System regional sites, a policy that articulates a consistent method for transition of children from the Child Development Services System to school administrative units. This policy must articulate the transmittal of records of children both previously and currently served by the Child Development Services System.

Sec. B-5. Interagency agreement. The Department of Education and the Department of Health and Human Services shall revise the interdepartmental agreement. The agreement must articulate the responsibilities for appropriate referrals to the Child Development Services System from the metabolic screening program under the Maine Revised Statutes, Title 22, section 1532, from the newborn hearing screening program under Title 22, section 8824 and from the central registry for birth defects under Title 22, section 8943. The agreement must also articulate clear definitions of the roles and responsibilities of the respective departments and their regional service delivery systems in implementing a high-quality early childhood system consistent with the requirements of Parts B and C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended.

See title page for effective date.

CHAPTER 451

H.P. 1296 - L.D. 1860

An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion

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

Sec. 1. 20-A MRSA §257, sub-§4 is enacted to read:

4. Department of Education diploma. The commissioner shall issue a Department of Education diploma as defined in section 5161, subsection 2 to a student who is unable to obtain a locally awarded diploma due to disruption of education resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by either an individualized education plan or other education plan or a superintendent's agreement developed in accordance with section 5205, subsection 2.

The diploma must be issued to students who have successfully demonstrated achievement of the content standards of the system of learning results established pursuant to section 6209 in addition to any other diploma requirements applicable to secondary students as set forth in their school work recognition plan as defined in section 5161, subsection 6.

Sec. 2. 20-A MRSA §4722, sub-§3, as amended by PL 2005, c. 662, Pt. A, §9, is further amended to read:

3. Satisfactory completion. A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must work toward achievement of the content standards of the system of learning results established pursuant to section 6209. Children with disabilities, as defined in section 7001, subsection 1-A, who successfully meet the content standards of the system of learning results in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objectives of their individualized education plans, may be awarded a high school diploma. Career and technical students may, with the approval of the commissioner, satisfy the 2nd-year math and science, the 2nd-year social studies and the fine arts requirements of subsection 2 through separate or integrated study within the career and technical school curriculum.

Students who experience education disruption, as defined in section 5001-A, subsection 4, paragraph F, who successfully demonstrate achievement of the content standards of the system of learning results in addition to any other diploma requirements applicable to secondary school students as set forth in their school work recognition plans as defined in section 5161, subsection 6 must, with the approval of the commissioner, be awarded a Department of Education diploma as defined in section 5161, subsection 2.

Sec. 3. 20-A MRSA §5001-A, sub-§4, ¶D, as enacted by PL 1983, c. 806, §49, is amended to read:

D. A family emergency; ~~or~~

Sec. 4. 20-A MRSA §5001-A, sub-§4, ¶E, as enacted by PL 1983, c. 806, §49, is amended to read:

E. A planned absence for a personal or educational purpose ~~which that~~ has been approved; or

Sec. 5. 20-A MRSA §5001-A, sub-§4, ¶F is enacted to read:

F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by either an individualized education plan or other education plan or a superintendent's agreement developed in accordance with section 5205, subsection 2. This paragraph does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery.

Sec. 6. 20-A MRSA c. 211, sub-c. 5 is enacted to read:

SUBCHAPTER 5

STUDENTS EXPERIENCING EDUCATION DISRUPTION

§5161. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Academic programming waiver. "Academic programming waiver" means an agreement signed by the receiving and sending schools accepting the academic programming, credits and documentation of achievement of the standards completed by a student at the receiving school or educational program.

2. Department of Education diploma. "Department of Education diploma" means a standards-based diploma that meets state requirements as outlined in this chapter and chapter 222 for a student unable to obtain a local school diploma due to education disruption.

3. Interim placement. "Interim placement" means a temporary assignment for a student who experiences education disruption to a program or school approved by the department.

4. Learning results. "Learning results" means the system of learning results established pursuant to section 6209.

5. Receiving school. "Receiving school" means the school or educational program that a student who experienced education disruption presently attends following an interim placement.

6. School work recognition plan. "School work recognition plan" means a written plan initiated upon the interim placement of a student who experiences education disruption that outlines how the student will accomplish and demonstrate work for completion or credit to meet that student's goals for demonstrated achievement of learning results as an elementary or secondary student and any other diploma requirements applicable to secondary school students. The school work recognition plan for high school juniors and seniors 16 to 20 years of age must include a determination as to how and when the decision will be made as to whether the student has met the requirements for a local high school diploma or be recommended for a statewide review team meeting to discuss the Department of Education diploma. For those students who have not met local requirements, information must be provided to the student and to the parent or guardian of the student regarding the process to access the Department of Education diploma.

7. Sending school. "Sending school" means the school in which a student who experienced education disruption was enrolled at the time of the disruption.

8. Statewide review team. "Statewide review team" means a team designated by the commissioner to address any disputes by means of a review of the compiled evidence including transitional academic reports, school work recognition plans, academic programming waivers, credits, transfers, transcripts or acceptance of student work demonstrating achievement of learning results and any other diploma requirements applicable to secondary school students. The statewide review team shall use the evidence to make recommendations to the commissioner regarding the award of a Department of Education diploma to the student and to provide the sending school with a copy of the recommendations.

9. Students who experience education disruption. "Students who experience education disruption" means elementary school and secondary school students who experience an interruption in their current educational program for 10 or more consecutive school days by being placed in a program or school approved by the department, which may be as a result of a situation such as homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by

either an individualized education plan or other education plan.

"Students who experience education disruption" does not include students who are out of school for 10 or more consecutive school days as a result of planned absences for a reason such as a family event or medical absences for planned hospitalization or recovery or pursuant to a superintendent's agreement developed in accordance with section 5205, subsection 2.

§5162. School work recognition plan

Students who experience education disruption must have a school work recognition plan initiated upon the interim placement of the student. The school work recognition plan must be developed or updated by the student, the parent or guardian, the sending and receiving schools and others such as juvenile community corrections officers and community case managers no later than 10 school days after the interim placement of the student. This plan may be developed through alternate forms of meeting such as e-mail or teleconferencing. If an existing plan such as an individualized education plan or a transition plan as defined in rules adopted by the department or a 504 plan as defined in 34 Code of Federal Regulations, Part 104 addresses school completion, a school work recognition plan is not required.

Individual educational materials such as curricula and assignments must be made available to the interim placement as soon as possible but no later than 5 school days after the interim placement of the student; otherwise, an academic programming waiver must be signed by the sending school in which the sending school agrees to accept the academic programming implemented at the interim placement and to document on the student's transcript the credits earned by the student at the receiving school.

For every student who experiences education disruption, receiving school professional staff must be assigned to ensure the complete transfer of all records, grades and credits and all academic material, including an academic programming waiver, if applicable, from the sending school to the receiving school no later than 5 school days after the student enrolls in the receiving school.

Sec. 7. 20-A MRSA §6001-B, sub-§1, as amended by PL 2001, c. 452, §14, is further amended to read:

1. Education records must follow students who transfer. Education records must follow students who transfer to a school in another school administrative unit in the State. The education records of students who transfer from educational programs or schools for juveniles located in or operated by correctional facilities or out-of-state schools are also subject to this re-

quirement. For a student who experiences education disruption, as defined in section 5161, subsection 9, the sending school shall send or electronically transfer pertinent records, including but not limited to academic and health information records, to the receiving school or educational program no later than 5 school days after the student enrolls in the receiving school or educational program.

See title page for effective date.

CHAPTER 452

S.P. 537 - L.D. 1514

An Act To Require Health Insurance Coverage for Hearing Aids

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

Sec. 1. 24 MRSA §2317-B, sub-§12-B is enacted to read:

12-B. Title 24-A, sections 2762, 2847-M and 4253. Coverage for hearing aids, Title 24-A, sections 2762, 2847-M and 4253;

Sec. 2. 24-A MRSA §2762 is enacted to read:

§2762. Coverage for hearing aids

1. Hearing aid; definition. For purposes of this section, "hearing aid" means a nonexperimental, wearable instrument or device designed for the ear and offered for the purpose of aiding or compensating for impaired human hearing, excluding batteries and cords and other assistive listening devices, including, but not limited to, frequency modulation systems.

2. Required coverage. In accordance with the application of coverage set forth in subsection 3, all individual health policies and contracts must provide coverage for the purchase of a hearing aid for each hearing-impaired ear for an individual covered under the policy or contract in accordance with the following requirements.

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 77.

B. The hearing aid must be purchased from an audiologist licensed pursuant to Title 32, chapter 77 or a hearing aid dealer licensed pursuant to Title 32, chapter 23-A.

C. The policy or contract may limit coverage to \$1,400 per hearing aid for each hearing-impaired ear every 36 months.

3. Application of coverage. The requirements of subsection 2 apply to an individual: