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No. 1345

H.P. 986

House of Representatives, March 29, 2011

An Act To Align Maine Special Education Statutes with Federal Requirements

Submitted by the Department of Education pursuant to Joint Rule 204.
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 JOHNSON of Greenville.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: CHASE of Wells, EDGECOMB of Caribou, KESCHL of Belgrade,
PETERSON of Rumford, STRANG BURGESS of Cumberland, Senators: RECTOR of Knox,
SULLIVAN of York, THOMAS of Somerset.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§10-A**, as enacted by PL 1989, c. 899, §1, is
3 repealed.

4 **Sec. 2. 20-A MRSA §254, sub-§13** is enacted to read:

5 **13. Transitional services for students with disabilities.** The commissioner shall
6 plan, coordinate and implement services for students with disabilities who are in
7 transition from school to community in accordance with rules adopted by the department.
8 Rules adopted pursuant to this subsection are major substantive rules as defined in Title
9 5, chapter 375, subchapter 2-A.

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

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

14 A. Assist the agency in its studies; and

15 B. Facilitate access to relevant case records by:

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

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

19 **Sec. 4. 20-A MRSA §7202, sub-§10**, as amended by PL 2005, c. 662, Pt. A, §23,
20 is further amended to read:

21 **10. Department of Health and Human Services; authority to request convening**
22 **of pupil evaluation team meeting.** Notify in writing the individual designated by the
23 Department of Health and Human Services that the Department of Health and Human
24 Services has the authority to request the school administrative unit to convene a pupil
25 evaluation team meeting and to attend and participate in any pupil evaluation team
26 meetings concerning a child with a disability who is a state ward. The written notice
27 must indicate the time and place of the pupil evaluation team meeting and a copy of the
28 notice must be placed in the child's permanent record; ~~and~~ and

29 **Sec. 5. 20-A MRSA §7202, sub-§11** is enacted to read:

30 **11. Transitional services for students with disabilities.** Plan, coordinate and
31 implement services for students with disabilities who are in transition from school to
32 community in accordance with rules adopted by the department. Rules adopted pursuant
33 to this subsection are major substantive rules as defined in Title 5, chapter 375,
34 subchapter 2-A.

35 **Sec. 6. 20-A MRSA §7258**, as amended by PL 2001, c. 354, §3 and PL 2003, c.
36 689, Pt. B, §6, is repealed.

1 **Sec. 7. 20-A MRSA c. 308**, as amended, is repealed.

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

4 **7. Joint undertakings.** May enter into joint undertakings with public and private
5 agencies to further the effectiveness of services for disadvantaged individuals; and

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

8 **8. Eligibility and priority.** Shall determine the eligibility of individuals for
9 rehabilitation services or evaluation and vocational services and the priority for those
10 services in accordance with rules established by the department; ~~and.~~

11 **Sec. 10. 26 MRSA §1411-D, sub-§9**, as enacted by PL 1995, c. 560, Pt. F, §13,
12 is repealed.

13 **Sec. 11. 34-B MRSA §3004, sub-§3, ¶B**, as amended by PL 1985, c. 768, §4, is
14 further amended to read:

15 B. Assess service needs, monitor service delivery related to these needs and evaluate
16 the outcome of programs designed to meet these needs in order to enhance the quality
17 and effectiveness of community support services; and

18 **Sec. 12. 34-B MRSA §3004, sub-§3, ¶C**, as amended by PL 1995, c. 560, Pt. K,
19 §33, is further amended to read:

20 C. Prepare a report that describes the system of community support services in each
21 of the mental health service regions and statewide.

22 (1) The report must include both existing service resources and deficiencies in
23 the system of services.

24 (2) The report must include an assessment of the roles and responsibilities of
25 mental health agencies, human services agencies, health agencies and involved
26 state departments and must suggest ways in which these agencies and
27 departments can better cooperate to improve the service system for people with
28 chronic mental illness.

29 (3) The report must be prepared biennially and must be submitted to the joint
30 standing committee of the Legislature having jurisdiction over human resources
31 by December 15th of every even-numbered year.

32 (4) The committee shall review the report and make recommendations with
33 respect to administrative and funding improvements in the system of community
34 support services to persons with chronic mental illness; ~~and.~~

35 **Sec. 13. 34-B MRSA §3004, sub-§3, ¶D**, as amended by PL 2009, c. 147, §12,
36 is repealed.

