

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify Special Education Reporting Requirements

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

Sec. 1. 20-A MRS §7207-D is enacted to read:

§ 7207-D. Reporting requirements

1. Report of legal dispute. A school administrative unit must report to the commissioner when there is a legal dispute between a parent, surrogate parent or guardian of a child with a disability and the school administrative unit concerning a student's special education program. The reports must:

- A. Identify the reporting school administrative unit. The reports may not provide any personally identifiable information about the student involved in the dispute;
- B. Identify the nature of the dispute;
- C. Identify any expenses the school administrative unit incurred for consultants or attorneys to settle the dispute, including the purpose of the expense and the dollar amount paid to each party;
- D. Identify the names of any individuals, including special education educators, counselors or therapists, who are not in agreement with the school administrative unit's position in the dispute; and
- E. Identify the final resolution of the dispute, including all costs. An agreement negotiated to settle a dispute may not contain a nondisclosure provision.

In a legal dispute when the department believes the school administrative unit has not complied with the provisions of this chapter, the commissioner shall refer the matter to the Attorney General, who shall take appropriate action to bring the school administrative unit into compliance.

2. Report to Legislature. The commissioner shall track the reports submitted pursuant to subsection 1 by school administrative units to identify any unusual patterns of disputes from one school administrative unit to another. The commissioner shall report annually to the joint standing committee of the Legislature having jurisdiction over education matters the number of disputes each school administrative unit has been involved in, the resolution of each dispute, the costs incurred to settle each dispute and whether there are significant variations in the types of disputes in which the school administrative units are involved.

3. Information retained regarding dispute. A school administrative unit involved in a dispute under subsection 1 shall maintain a file on the dispute, including the costs incurred to settle the dispute and any expenses paid to the parties involved in the dispute. The file may not contain personally identifiable information on the student involved in the dispute. The files must be available to the public upon request.

SUMMARY

This bill requires a school administrative unit to report legal disputes between a parent, surrogate parent or guardian of a child with a disability and the school administrative unit concerning a student's special education program to the Commissioner of Education. This bill also requires the Commissioner of Education to track these reports and report annually to the joint standing committee of the Legislature having jurisdiction over education matters a summary of the reports received from school administrative units. This bill also requires school administrative units to maintain files on each dispute.