

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 20-A MRSA §7207-D** is enacted to read:

§ 7207-D. Reporting requirements

1. Report of legal dispute. A school administrative unit or an intermediate educational unit, referred to in this section as a "unit," shall 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 unit concerning a student's special education program. As used in this section, "legal dispute" means any circumstance in which a parent has filed a complaint concerning a student's special education program in accordance with department rules, has requested a due process hearing concerning a student's special education program in accordance with department rules, has requested stand-alone mediation concerning a student's special education program in accordance with department rules or has filed a complaint with the Office for Civil Rights in the United States Department of Education for discrimination on the basis of disability that is prohibited by the requirements of Section 504 of the federal Rehabilitation Act, 29 United States Code, Section 794 or with Title II of the federal Americans with Disabilities Act of 1990, 42 United States Code, Sections 12131 to 12165. The reports must:

- A. Identify the reporting unit. The reports may not provide any personally identifiable information about the student involved in the dispute;
- B. Identify any expenses the unit incurred for consultants or attorneys to resolve the dispute, including the purpose of the expense and the dollar amount paid to each party; and
- C. Identify the final resolution of the dispute, including the elements of any corrective action plans. An agreement negotiated to resolve a dispute may not contain a nondisclosure provision except one that is limited to the terms of the settlement agreement, that does not extend to more than 4 years in duration and in which the nondisclosure provision binds only the child's parents, guardians or surrogate parents.

2. Report to Legislature. The commissioner shall track the reports submitted pursuant to subsection 1 by unit to identify any unusual patterns of disputes from one 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 unit has been involved in, the type of resolution of each dispute, the costs incurred to resolve each dispute and whether there are significant variations in the types of disputes in which the units are involved statewide.

3. Information retained regarding dispute. A 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 amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment defines "legal dispute" and requires that intermediate educational units, as well as school administrative units, report legal disputes between a parent, surrogate parent or guardian of a child with a disability and the respective intermediate educational unit or school administrative unit concerning a student's special education program to the Commissioner of Education. The amendment also removes the provisions of the bill that propose to:

1. Require a school administrative unit to identify the nature of the dispute in its report to the Commissioner of Education;
2. Identify the names of any individuals who are not in agreement with the school administrative unit's position in the dispute; and
3. Direct the Commissioner of Education to refer a school administrative unit that is not in compliance with the reporting requirements proposed by the bill to the Attorney General to take appropriate action to bring the school administrative unit into compliance.

FISCAL NOTE REQUIRED
(See attached)