

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 Align Maine Special Education Statutes with Federal Requirements

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

Sec. 1. 5 MRSA §12004-I, sub-§10-A, as enacted by PL 1989, c. 899, §1, is repealed.

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

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

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

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

A. Assist the agency in its studies; and

B. Facilitate access to relevant case records by:

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

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

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

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

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

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

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 B, §6, is repealed.

Sec. 7. 20-A MRSA c. 308, as amended, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 14. 34-B MRSA §5433, sub-§3, as amended by PL 1985, c. 768, §6, is further amended to read:

3. Cooperation. Cooperate with other state agencies, municipalities, other governmental units, unincorporated associations and nonstock corporations in order to provide and help finance services and programs for mentally retarded persons; and

Sec. 15. 34-B MRSA §5433, sub-§4, as amended by PL 1985, c. 768, §6, is further amended to read:

4. Available funds. Receive and use for the purpose of this article money appropriated by the State, grants by the Federal Government, gifts from individuals and money from any other sources; ~~and~~.

Sec. 16. 34-B MRSA §5433, sub-§5, as amended by PL 2009, c. 147, §13, is repealed.

Sec. 17. 34-B MRSA §6004, first ¶, as amended by PL 2007, c. 356, §28 and affected by §31, is further amended to read:

The commissioner shall submit a report in coordination with the Commissioner of Education on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive developmental disorders to the Governor and the joint standing ~~committee~~committees of the Legislature having jurisdiction over health and institutional services matters and educational and cultural affairs. This report must be submitted no later than January 15th of every odd-numbered year and must be submitted in conjunction with the plan required by section 5003-A, subsection 3.

SUMMARY

This bill repeals provisions providing for planning the transition of students with disabilities to adult services and for transitional services coordination projects for students with disabilities by the Interdepartmental Committee on Transition in order to make state requirements regarding these students not exceed federal requirements. The bill eliminates the Interdepartmental Committee on Transition. It also repeals provisions for transitional pilot projects for which funding is no longer provided.

This bill enacts language regarding the duties of school administrative units and the Commissioner of Education with regard to services for students with disabilities who are in transition from school to the community in accordance with the provisions of rules adopted by the Department of Education.

This bill provides for the coordination of the Department of Health and Human Services and the Department of Education in the submission of the annual report on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive developmental disorders and provides that the report also be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.