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Legislative Document

No. 552

H.P. 397

House of Representatives, February 24, 2021

An Act To Strengthen the Individualized Education Program Process

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLETT of Cape Elizabeth.
Cosponsored by Representatives: CRAVEN of Lewiston, CROCKETT of Portland, DODGE of Belfast, McCREA of Fort Fairfield, WILLIAMS of Bar Harbor, Senator: RAFFERTY of York.

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

2 **Sec. 1. 20-A MRSA §7202, sub-§11**, as corrected by RR 2011, c. 1, §28, is
3 amended to read:

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

9 **Sec. 2. 20-A MRSA §7202, sub-§12**, as reallocated by RR 2011, c. 1, §29, is
10 amended to read:

11 **12. Attorney's presence at team meeting.** Provide that the school administrative unit
12 may not have an attorney present at an individualized education program team meeting
13 unless the school administrative unit has provided the parents of a child with a disability at
14 least 7 days' written notice prior to the individualized education program team meeting that
15 the school administrative unit will have an attorney present at the individualized education
16 program team meeting. If the parent of a child with a disability has an attorney present at
17 the individualized education program team meeting, the school administrative unit may
18 have an attorney present without providing prior written notice;

19 **Sec. 3. 20-A MRSA §7202, sub-§13** is enacted to read:

20 **13. Changes to individualized education program.** Require that changes to the
21 individualized education program be made by consensus of the individualized education
22 program team. If a team is unable to reach consensus on proposed changes to an
23 individualized education program, the individualized education program in effect at the
24 time of the proposed change remains in effect. If a team member seeks to pursue a change
25 that is not agreed to by consensus by the team, that team member is responsible for
26 requesting mediation under 7206-C, as appropriate, or initiating other available dispute
27 resolution procedures; and

28 **Sec. 4. 20-A MRSA §7202, sub-§14** is enacted to read:

29 **14. Special education services providers; presence at team meeting.** Require an
30 individualized education program team to allow an individual who provides special
31 education services to a child with a disability and has regular, direct contact with that child
32 to attend and participate in an individualized education program team meeting concerning
33 the child upon the request of that individual or a member of the individualized education
34 program team.

35 **Sec. 5. Rulemaking.** No later than January 1, 2022, the Commissioner of Education
36 shall submit to the Legislature proposed changes to Department of Education rule Chapter
37 101, Maine Unified Special Education Regulation Birth to Age Twenty, a major
38 substantive rule adopted pursuant to the Maine Revised Statutes, Title 20-A, section 7005,
39 to bring the rule into conformance with this Act.

40 **SUMMARY**

41 This bill requires that changes to the individualized education program for a child with
42 a disability be made by consensus of the individualized education program team. The bill

1 also requires that the individualized education program team allow a person who provides
2 special education services to a child with a disability through regular and direct contact to
3 participate in a team meeting concerning that child upon the request of the individual or the
4 request of a member of the team. Finally, the bill requires the Commissioner of Education
5 to submit proposed changes to the rules governing special education to the Legislature by
6 January 1, 2022 to amend the rules to conform with the provisions of the bill.