

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 828 - L.D. 1184

**Resolve, Requiring Rulemaking Regarding Special Education Requirements  
and Review of School Administrative Units That Do Not Operate Any  
Schools**

**Sec. 1. Department of Education to adopt rules. Resolved:** That the Department of Education shall amend its rules governing special education to establish a process for the department to review sending school units with respect to children with disabilities who reside within the sending school units who attend receiving schools. As used in this resolve, "sending school unit" means a school administrative unit that does not own, lease or otherwise operate any school. As used in this resolve, "receiving school" means a school administrative unit or private school that receives students from a sending school unit. The process must include:

1. A requirement that the department contact the superintendent of the sending school unit under review to request a list of students with disabilities and the receiving school each student attends;

2. A requirement that the department request the receiving school to submit information to the department in connection with the students who are from the sending school unit that is under review. The information must include, but is not limited to, individualized education programs, written notices, advanced written notices and evaluations. The rules must require the receiving school to submit the information requested by the department;

3. A method for the department to audit the information submitted by the receiving school and a procedure for the department to issue letters of findings and corrective action plans to the superintendent of the sending school unit. The rules must also include a requirement that the department send copies of letters of findings and corrective action plans to the person in charge of special services for the receiving school;

4. A requirement that the sending school unit under review submit letters to the department indicating the sending school unit has authorized the receiving school to commit resources on behalf of the sending school unit and in furtherance of the sending school unit's policies for child find and referral as set forth in federal law; and

5. A requirement that the sending school unit under review recognize its responsibility for providing free appropriate public education and confirmation from the sending school unit that it will work with the receiving school to correct any findings outlined in letters of findings and corrective action plans.

Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.