

LD 552, An Act To Strengthen the Individualized Education Program Process

Representative Millett Proposed Amendment

Changes to the original bill highlighted and italicized

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

Sec. 1. 20-A MRSA §7202, sub-§11, as corrected by RR 2011, c. 1, §28, is amended 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; ~~and~~

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

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

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

13. Changes to individualized education program. *A school administrative unit shall obtain informed written consent from the parent of a child with a disability prior to changing the nature or extent of the special education placement or special education and related services. If a parent refuses consent for a proposed individualized education program or placement, the child's most recent agreed upon individualized education program or placement must remain in effect unless and until:*

A. The school administrative unit and parent agree otherwise;

B. The matters are resolved; or

C. A party files for due process, in which case the individualized education program or placement must be governed by 34 CFR 300.518.

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

14. Special education services providers; presence at team meeting. Require an individualized education program team to allow an individual who provides special education services to a child with a disability and has regular, direct contact with that child to attend and participate in an individualized education program team meeting concerning the child upon the request of that individual or a member of the individualized education program team *so long as the request is made within 2 school days from the issuance of the individualized education program meeting notice or as soon as practicable upon notice of an emergency meeting.*

Sec. 5. Rulemaking. No later than January 1, 2022, the Commissioner of Education shall submit to the Legislature proposed changes to Department of Education rule Chapter 101, Maine Unified Special

Education Regulation Birth to Age Twenty, a major substantive rule adopted pursuant to the Maine Revised Statutes, Title 20-A, section 7005, to bring the rule into conformance with this Act.

SUMMARY

This proposed amendment would replace section 3 of the bill and instead require that a school administrative unit obtain informed written consent from the parent of a child with a disability prior to changing the nature or extent of the special education placement or special education and related services. If a parent refuses consent for a proposed IEP or placement, the child's most recent agreed upon IEP placement remains in effect unless and until the school administrative unit and parent agree otherwise, the matters are resolved, or a party files for due process, in which case the IEP and placement is governed by 34 CFR 300.518.

This proposed amendment also adds that an IEP team is required to allow an individual who provides special education services to a child with a disability and has regular, direct contact with that child to attend and participate in an individualized education program team meeting concerning the child upon the request of that individual or a member of the individualized education program team so long as the request is made within 2 school days from the issuance of the individualized education program meeting notice or as soon as practicable upon notice of an emergency meeting.