

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 Enhance Special Education

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

Sec. 1. 20-A MRSA §7209, sub-§1, ¶B, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

B. During the period from July 1, 2006 to ~~September~~June 30, 2007~~2008~~, the department, in a manner consistent with the authority of the board of directors of an intermediate educational unit, shall ~~only~~ approve the annual entitlement plan and the budget for an intermediate educational unit pursuant to subsection 6 only in accordance with the following.

(1) The department shall approve the entitlement plan and the budget if the provisions of the entitlement plan and the budget are in compliance with the statewide standards established by the state intermediate educational unit pursuant to subsection 3 for the purpose of ensuring coordinated service delivery in each region of the State.

(2) In the event that the department determines that the provisions of the annual entitlement plan and the budget presented by a board of directors of an intermediate educational unit are not in compliance with the statewide standards established pursuant to subsection 3, the department shall require the board of directors of the intermediate educational unit to revise and resubmit the annual entitlement plan and the budget in a reasonable amount of time as determined by the commissioner.

(3) In the event the provisions of the resubmitted annual entitlement plan and the budget are not in compliance with the statewide standards established pursuant to subsection 3, the department is authorized to determine and approve an appropriate, final annual entitlement plan and a budget for the intermediate educational unit that is in compliance with the statewide standards established pursuant to subsection 3.

This paragraph is repealed ~~September~~June 30, 2007~~2008~~.

Sec. 2. 20-A MRSA §7209, sub-§2, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

2. State-level advisory committee. The state-level advisory committee is established for the period from July 1, 2006 to ~~September~~June 30, 2007~~2008~~ to advise on the provisions of this section. Members of the state-level advisory committee are appointed by the commissioner and must

include representatives from each board of directors of a regional site described in subsection 5, the early childhood education consultant and the director of early childhood special education within the department. This subsection is repealed ~~September~~June 30, ~~2007~~2008.

Sec. 3. 20-A MRSA §7209, sub-§3, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

3. State intermediate educational unit. The commissioner shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age. For the period from July 1, 2006 to ~~September~~June 30, ~~2007~~2008, the state intermediate educational unit shall perform the following statewide coordination and administration functions:

- A. Establish standard policies and procedures for a statewide salary and benefits administration system, including personnel classifications, position descriptions and salary ranges, and a standard package of health, retirement and other fringe benefits for Child Development Services System personnel, which must be included in the annual entitlement plan described in subsection 1 beginning in fiscal year 2006-07;
- B. Develop a statewide salary and benefits administration system and perform the payroll functions for Child Development Services System personnel;
- C. Establish a centralized system for statewide fiscal administration to be implemented by September 1, 2006. The state intermediate educational unit shall establish internal controls and implement accounting policies and procedures in accordance with standards set forth by the State Controller;
- D. Develop and implement a centralized data management system to be fully operational beginning July 1, 2007;
- E. Establish a standard, statewide template for ~~regional-site~~ contracts with therapeutic service providers, including policies and procedures for the review of contracts, that must be included in the annual entitlement plan described in subsection 1, beginning in fiscal year 2006-07;
- F. Refine program accountability standards for compliance with federal mandates that must be included in the annual entitlement plan described in subsection 1, including the development of a performance review system to monitor and improve ~~regional-site~~ performance through the use of efficiency ratings aligned with the accountability standards and through a compliance plan that requires ~~the regional site to address the~~ meeting of unmet needs of eligible children in accordance with specific targets and time frames;
- G. Design and implement a statewide plan to provide professional development and training to Child Development Services System personnel; and

H. Employ professional and other personnel, including those necessary to ensure the implementation of the centralized fiscal and data management systems. All state intermediate educational unit employees are employees for the purposes of the Maine Tort Claims Act.

Sec. 4. 20-A MRS §7209, sub-§5, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

5. Regional site board of directors. A board of directors of a regional site is responsible for governance of its activities, including the management and oversight of its general operations. Membership must include representatives of the regional offices of the Department of Health and Human Services, representatives of participating school administrative units, parents of children with disabilities and other community members as determined appropriate. A regional site board member or a board member's employer may not, during the term for which the member serves on the board, derive any revenue from work performed for the Child Development Services System. A representative of a participating school administrative unit whose participation in the Child Development Services System is limited to work performed for the school administrative unit is exempt from the requirements of this subsection. Terms of membership and methods of appointment or election for each board of directors must be determined by the board of ~~director~~'directors' bylaws, subject to approval by the department. This subsection is repealed June 30, 2008.

Sec. 5. 20-A MRS §7209, sub-§6, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

6. Regional site board of directors; annual entitlement plan; site budget approval.

A board of directors of a regional site is entitled to receive annual grant award allocations that are approved by the department in accordance with the approval provisions for the annual entitlement plan and the budget for a regional site pursuant to subsection 1, paragraph B. This subsection is repealed ~~September~~June 30, 20072008.

Sec. 6. 20-A MRS §7209, sub-§7, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

7. Regional site; administration. A board of directors of a regional site shall:

A. Hire, fire and supervise the staff of the regional site according to the job classifications, pay scales and personnel policies established by the state intermediate educational unit established under subsection 3;

B. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter, using forms and procedures developed by the department;

C. Ensure data entry and reporting through June 30, ~~2007~~2008; and

D. Provide fiscal management of money allocated to it, in compliance with federal and state laws and subject to proof of an annual audit.

This subsection is repealed June 30, 2008.

Sec. 7. 20-A MRSA §7209, sub-§8, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

8. Regional site; duties and obligations. A board of directors of a regional site shall:

A. Ensure provision of child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

B. Ensure provision of childcount activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

C. Ensure appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;

E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services, in collaboration with school administrative units when possible;

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or coordinate an individualized education program for a child 3 years of age to under 6 years of age unless an individualized family service plan is preferred; and

G. Designate local personnel for training to commit funds for free, appropriate public education. Personnel who commit funds for free, appropriate public education must be trained and certified by the state intermediate educational unit established under subsection 3. The board of directors of a regional site shall determine which trained and certified personnel may commit funds.

All regional site employees and board of directors members of a regional intermediate education unit are employees for purposes of the Maine Tort Claims Act. This subsection is repealed June 30, 2008.

Sec. 8. 26 MRSA §962, sub-§7, ¶A, as amended by PL 2005, c. 662, Pt. A, §43, is further amended to read:

A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

(1) Any municipality or any subdivision of a municipality;

(2) Any school, water, sewer, fire or other district;

(3) The Maine Turnpike Authority;

(4) Any board of directors functioning as a regional intermediate education unit of the Child Development Services System;

(5) Any county or subdivision of a county;

(6) The Maine State Retirement System; or

(7) The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

SUMMARY

This bill aligns existing law with the 2004 reauthorization of the federal Individuals with Disabilities Education Act and the regulations recently adopted by the United States Department of Education.

The bill ensures state compliance with federal statutes and regulations and ensures that the State, school administrative units and other agencies are eligible for continued federal assistance.

The bill specifies that Child Development Services System sites and governing boards are covered under the Maine Tort Claims Act; this inclusion expires June 30, 2008. The bill also specifies that Child Development Services System employees are public employees.