

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 66 - L.D. 98

**An Act to Update the Special Education Laws**

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

**Sec. 1. 20-A MRSA §7001, sub-§1-B, ¶B,** as amended by PL 2011, c. 542, Pt. A, §21, is further amended to read:

B. For children at least 3 years of age and under ~~20~~ 22 years of age evaluated in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414, subsections (a) to (c) as measured by both standardized, norm-referenced diagnostic instruments and appropriate procedures with delays or impairments such that the children need special education:

- (1) A child at least 3 years of age and under 6 years of age with a significant developmental delay, at the discretion of the intermediate educational unit or school administrative unit, as defined in rules adopted by the department, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; adaptive development; or
- (2) A child with at least one of the following:
  - (a) Intellectual disability;
  - (b) ~~Hearing impairment, including deafness~~ Deafness, including hearing loss;
  - (c) Speech or language impairment;
  - (d) Visual impairment, including blindness;
  - (e) ~~Serious emotional disturbance~~ Emotional disability;
  - (f) Orthopedic impairment;
  - (g) Autism;
  - (h) Traumatic brain injury;
  - (i) Other health impairment;
  - (j) Specific learning disabilities;

- (k) ~~Deafness and blindness~~ Deaf-blindness; and
- (l) Multiple disabilities.

**Sec. 2. 20-A MRSA §7201, sub-§2-A, ¶B**, as enacted by PL 2005, c. 662, Pt. A, §22, is amended to read:

B. Children with disabilities at least 3 years of age and under ~~20~~ 22 years of age, including children in public or private institutions or other care facilities, must be educated with children without disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment may occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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

**3. Diagnosis and evaluation.** Provide the evaluations and assessments required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, to plan and implement a special education program for children with disabilities at least 3 years of age and under ~~20~~ 22 years of age within its jurisdiction;

**Sec. 4. 20-A MRSA §7258, sub-§1**, as enacted by PL 1997, c. 345, §1, is amended to read:

**1. Attendance at ~~pupil-evaluation~~ individualized education program team meetings.** Annually, representatives from appropriate state service agencies, as determined by the ~~pupil-evaluation~~ individualized education program team of the school administrative unit, and in accordance with special education rules, shall designate a transition contact person to participate in transition planning for students with disabilities. The transition contact person shall attend ~~pupil-evaluation~~ individualized education program team meetings or provide relevant information to the ~~pupil-evaluation~~ individualized education program team for transition planning purposes. This requirement applies to students with disabilities who have attained 16 years of age, or 14 years of age when determined by the ~~pupil-evaluation~~ individualized education program team to be appropriate.

**Sec. 5. 20-A MRSA §7258, sub-§1-A**, as amended by PL 2011, c. 542, Pt. A, §22, is further amended to read:

**1-A. Care manager.** Within 2 years before the date that a student with an intellectual disability, serious emotional disturbance or other developmental disabilities will graduate or finish school, the Department of Health and Human Services, in consultation with the ~~pupil-evaluation~~ individualized education program team of the school administrative unit, shall designate a case manager to participate in transition planning for that student. The case manager shall convene an adult services transition team, ensure interagency coordination and access to adult services, serve as a single contact person for the student transitioning into the adult services and attend ~~pupil-evaluation~~ individualized education program team meetings or provide relevant information to the ~~pupil-evaluation~~ individualized education program team for transition planning purposes.

**Sec. 6. 20-A MRSA §8305-A, sub-§3**, as amended by PL 2011, c. 679, §8, is further amended to read:

**3. Adult participation in career and technical education courses.** ~~Persons~~ A person who is continuing the person's educational placement until the person attains 22 years of age and who is enrolled in a special education program has the right to participate in career and technical education courses. ~~A person who are 20 is 22~~ years of age or older or who ~~have~~ has graduated from a secondary school and who otherwise ~~eomply~~ complies with the requirements of this section may receive career and technical education in a career and technical education course if, after all other eligible persons have been enrolled in that course, space exists to accommodate participation by ~~persons who are 20 years of age or older or who have graduated from a secondary school~~ that person. A region, center or satellite program may charge reasonable fees to ~~persons~~ a person who ~~receive~~ receives career and technical education pursuant to this subsection.