1   L.D. 1110

2   Date: (Filing No. H-   )

3   Reproduced and distributed under the direction of the Clerk of the House.

4   **STATE OF MAINE**

5   **HOUSE OF REPRESENTATIVES**

6   **125TH LEGISLATURE**

7   **FIRST REGULAR SESSION**

8   COMMITTEE OF CONFERENCE AMENDMENT "   " to H.P. 822, L.D. 1110,
9   Bill, "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team
10   Meetings"

11   Amend the bill by striking out the title and substituting the following:

12   **'An Act Regarding the Attendance of Attorneys at Individualized Education**
13   **Program Team Meetings'**

14   Amend the bill in section 2 by striking out all of subsection 10 (page 1, lines 13 to 20
15   in L.D.) and inserting the following:

16   '**10. Department of Health and Human Services; authority to request convening**
17   **of individualized education program team meeting.** Notify in writing the individual
18   designated by the Department of Health and Human Services that the Department of
19   Health and Human Services has the authority to request the school administrative unit to
20   convene ~~a pupil evaluation~~ an individualized education program team meeting and to
21   attend and participate in any ~~pupil evaluation~~ individualized education program team
22   meetings concerning a child with a disability who is a state ward. The written notice
23   must indicate the time and place of the ~~pupil evaluation~~ individualized education program
24   team meeting and a copy of the notice must be placed in the child's permanent record~~.~~;
25   and'

26   Amend the bill in section 3 by striking out all of subsection 11 (page 1, lines 22 to 25
27   in L.D.) and inserting the following:

28   '**11. Attorney's presence at team meeting.** Provide that the school administrative
29   unit may not have an attorney present at an individualized education program team
30   meeting unless the school administrative unit has provided the parents of a child with a
31   disability at least 7 days' written notice prior to the individualized education program
32   team meeting that the school administrative unit will have an attorney present at the
33   individualized education program team meeting. If the parent of a child with a disability
34   has an attorney present at the individualized education program team meeting, the school
35   administrative unit may have an attorney present without providing prior written notice.'

36   Amend the bill by adding after section 3 the following:

CONFERENCE AMENDMENT

1 'Sec. 4. Rules. The Department of Education shall provisionally adopt rules to be
2 submitted to the Legislature by January 13, 2012 that amend Chapter 101, Section VI of
3 its rules to require inclusion in the notice notifying a parent of a child with a disability of
4 an individualized education program team meeting whether the school administrative unit
5 will have an attorney present at the meeting. Rules adopted pursuant to this section are
6 major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375,
7 subchapter 2-A.'

8   **SUMMARY**

9   This amendment is a committee of conference report and incorporates provisions of
10 Committee Amendment "A" that change the name of the team required to develop or
11 amend an individualized education plan for a child with a disability in accordance with
12 the federal Individuals with Disabilities Education Act, 20 United States Code, Section
13 1400 et seq., as amended.

14   The amendment adds language that requires a school administrative unit to notify
15 parents in writing 7 days prior to an individualized education program team meeting
16 whether the school administrative unit will have an attorney present at the meeting.

17   The amendment also adds language that, in the event that the parent of a child with a
18 disability has an attorney present at the individualized education program team meeting,
19 the school administrative unit may have an attorney present without providing prior
20 written notice.

21   Finally, the amendment requires the Department of Education to submit provisionally
22 adopted rules to the Legislature by January 13, 2012 to implement the provisions of this
23 legislation.

24   **FISCAL NOTE REQUIRED**
25   **(See attached)**

CONFERENCE AMENDMENT