

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 822 - L.D. 1110

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

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

Sec. 1. 20-A MRSA §7202, sub-§9, as amended by PL 2005, c. 662, Pt. A, §23, is further amended to read:

9. Securing parental permission. For the agency conducting studies pursuant to Title 5, chapter 511:

- A. Assist the agency in its studies; and
- B. Facilitate access to relevant case records by:
 - (1) Notifying parents or guardians of the study; and
 - (2) Requesting parental consent for the agency to have access to case records;

Sec. 2. 20-A MRSA §7202, sub-§10, as amended by PL 2005, c. 662, Pt. A, §23, is further amended to read:

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

Sec. 3. 20-A MRSA §7202, sub-§11 is enacted to read:

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

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor