

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 Align Education Laws with Certain Federal Laws

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

Sec. 1. 20-A MRSA §5205, sub-§3-A is enacted to read:

3-A. Students placed by the Department of Health and Human Services. Notwithstanding subsection 3, a student who is placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, 122 Stat. 3949 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services shall determine which of the 2 units is appropriate and notify that unit in writing of its determination.

Sec. 2. 20-A MRSA §7201, sub-§5, as corrected by RR 2005, c. 2, §13, is amended to read:

5. Accessible instructional materials; visual impairment including blindness; Braille instruction. All students must have access to accessible instructional materials and may receive instruction in Braille ~~reading and writing~~ as part of their individualized family service plans or individualized education programs. A student may not be denied the opportunity of instruction in Braille ~~reading and writing~~ solely because the student has some remaining vision. If Braille is not provided to a child who is blind, the reason for not incorporating Braille in the individualized family service plan or individualized education program must be documented in the individualized family service plan or individualized education program. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446, 118 Stat. 2647 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965, 20 United States Code, Chapter 28 contained in the federal Higher Education Amendments of 1998, Public Law 105-244, 112 Stat. 1581.

Sec. 3. 20-A MRSA §7205, as amended by PL 1987, c. 395, Pt. A, §72, is further amended to read:

§ 7205. Review and assistance

It is the intent of the Legislature that a representative of the commissioner visit ~~each special education program at least once every 5 years~~ programs for the purpose of review and assistance and as necessary to comply with federal general supervision requirements. Nothing in this section prohibits a school administrative unit from requesting that a representative of the commissioner visit a particular special education program for the purpose of review and assistance whenever necessary. The commissioner shall comply with each request in a timely fashion.

SUMMARY

This bill provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services shall determine which of the 2 units is appropriate and notify the unit in writing of its determination.

The bill also provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Amendments of 1998.

The bill changes the requirement that all special education programs receive a visit from the Department of Education at least once every 5 years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.