



130th MAINE LEGISLATURE

LD 552

LR 857(04)

An Act To Strengthen the Individualized Education Program Process

Fiscal Note for House Amendment " " to Committee Amendment "A"

Sponsor: Rep. Millett of Cape Elizabeth

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Funded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$2,397	\$2,397	\$2,397	\$2,397
Appropriations/Allocations				
General Fund	\$2,397	\$2,397	\$2,397	\$2,397

State Mandates

Required Activity

Requires the Department of Education to amend rule Chapter 101, Maine Unified Special Education Regulation Birth to Age Twenty to require school administrative units to obtain parental consent in cases of a material change in services to, or a substantial change in the placement of, a student with a disability. Requires the rule to clearly articulate methods of acquiring parental consent including options to address a lack of response from parents or guardians.

Unit Affected

School

Local Cost

\$2,664

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

The bill requires rule chapter 101 to be amended to provide that education technicians and other educators with direct regular contact may not be unreasonably denied participation at individualized education program (IEP) team meetings if requested by the parent or guardian. This amendment clarifies that it is not unreasonable to deny such participation if it requires expenditure of school funds.

This amendment also adds ongoing General Fund appropriations of \$2,397 per year beginning in fiscal year 2021-22 to a newly created Parental Consent - Mandate program within the Department of Education to reimburse local school administrative units for 90% of the costs of obtaining parental consent. This estimate assumes the methods of acquiring parental consent in the rule will include telephone calls, written correspondence sent through first class mail and, if no response is received, through certified mail with a return receipt requested. This estimate also assumes the cost for a home and/or workplace visit by a principal in an attempt to obtain parental consent. This estimate may need to be revised depending on the methods of acquiring parental consent that are included in the final amended rule.