

**§7204. Duties of the commissioner**

The commissioner: [PL 1981, c. 693, §§5, 8 (NEW).]

**1. Related services.** Shall provide, or cause to be provided by administrative units operating schools, all related services, as defined in rules the commissioner establishes, required by a child with a disability so that the child may benefit from equal educational opportunities;

[PL 2005, c. 662, Pt. A, §25 (AMD).]

**2. State plan.** Shall make and annually review a state plan for education of all children with disabilities in the State. The State's plan may not require services that exceed minimum federal requirements. The plan must be available to the public on request. The department is the entity responsible for assigning financial responsibility among appropriate agencies as required under Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1401 (8), Section 1412 (a)(12)(A,B,C) and Section 1435 (a)(10)(C) and continues to serve pursuant to Section 1435 (a)(10) as the single line of responsibility for carrying out the general administration and supervision of programs and activities receiving assistance under Part C of the federal Individuals with Disabilities Education Act and the monitoring of programs and activities used to carry out that Part;

[PL 2005, c. 662, Pt. A, §25 (AMD).]

**3. School year.** May approve special education programs for:

A. The usual public school year as defined in section 4801, subsection 1; [PL 1981, c. 693, §§5, 8 (NEW).]

B. An extended school year; or [PL 1981, c. 693, §§5, 8 (NEW).]

C. Other periods the commissioner determines appropriate; [PL 1983, c. 806, §64 (AMD).]  
[PL 1983, c. 806, §64 (AMD).]

**4. Program approval.** Shall approve plans for all early intervention and special education programs. The criteria for approval must include:

A. Requirements for admission; [PL 1981, c. 693, §§5, 8 (NEW).]

B. Qualification or certification of staff; [PL 1981, c. 693, §§5, 8 (NEW).]

C. Plan of instruction; [PL 1981, c. 693, §§5, 8 (NEW).]

D. Adequacy of facilities; [PL 1981, c. 693, §§5, 8 (NEW).]

E. Adequacy of supportive services; [PL 1981, c. 693, §§5, 8 (NEW).]

F. Professional supervision; and [PL 1981, c. 693, §§5, 8 (NEW).]

G. Teacher-student ratio; [PL 2005, c. 662, Pt. A, §25 (AMD).]  
[PL 2005, c. 662, Pt. A, §25 (AMD).]

**5. Due process.** Shall:

A. Adopt or amend rules to assure and protect the rights of due process for children with disabilities; and [PL 2005, c. 662, Pt. A, §25 (AMD).]

B. Inform and train each school administrative unit on the rights of children with disabilities to due process under state laws and rules and federal law and regulations; [PL 2015, c. 448, §11 (AMD).]  
[PL 2015, c. 448, §11 (AMD).]

**6. Technical assistance.** May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance may not be designed to transfer the responsibility for or actual development of the plan or report;

[PL 2019, c. 429, §1 (AMD).]

**7. Out-of-state placement of a state ward.** May, when a child with a disability who is a state ward is placed in an out-of-state residential treatment center by the Department of Health and Human Services, designate the Department of Education as having responsibility for oversight of the child's individualized education program to ensure that the child receives a free, appropriate public education; and

[PL 2019, c. 429, §2 (AMD).]

**8. Report on language and literacy development of children who are deaf and hard of hearing from birth to 5 years of age.** Beginning July 31, 2020 and annually thereafter, shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs of:

A. The data reported in compliance with the state performance plan required by the federal Individuals with Disabilities Education Act that are specific to language and literacy development of children who are deaf or hard of hearing from birth to 5 years of age, including children who are deaf or hard of hearing and have other disabilities, that demonstrate language and literacy development of children who are deaf or hard of hearing relative to the children's peers who are not deaf or hard of hearing; and [PL 2019, c. 429, §3 (NEW).]

B. Any language developmental milestones or parent resources used or disseminated by the department to parents, educators, early interventionists or therapists for use in tracking or assessing the expressive and receptive language acquisition of children from birth to 5 years of age who are deaf and hard of hearing and their development stages toward literacy in American Sign Language or English, or both. [PL 2019, c. 429, §3 (NEW).]

The commissioner shall post the report on the department's publicly accessible website.

[PL 2019, c. 429, §3 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §64 (AMD). PL 2005, c. 662, §A25 (AMD). PL 2015, c. 448, §§11, 12 (AMD). PL 2019, c. 429, §§1-3 (AMD).

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