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**Public Law**  
**124th Legislature**  
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**Chapter 147**  
**H.P. 140 - L.D. 161**

**An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program**

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

**Sec. 1. 20-A MRSA §6452**, as amended by PL 1989, c. 730 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed.

**Sec. 2. 20-A MRSA §7801, first ¶**, as amended by PL 2007, c. 539, Pt. JJJJ, §1, is further amended to read:

It is the purpose of this chapter to plan, coordinate and implement service for youth students with handicaps disabilities, 14 years of age or older and under 26 years of age, who are in transition from school to the community. It is also the purpose of this chapter to provide for an efficient and streamlined system of services across state agencies to include local and private entities that effectively deliver a combination of services that meet the needs of youth students with handicaps disabilities by:

**Sec. 3. 20-A MRSA §7802, sub-§2**, as enacted by PL 1985, c. 768, §1, is amended to read:

**2. Students with disabilities in transition.** "Handicapped-youths Students with disabilities in transition" are those youths students with disabilities who have attained the age of 14 years and meet the eligibility criteria as defined in the United States Rehabilitation Act, Public Law 93-112, Section 504, as amended.

**Sec. 4. 20-A MRSA §7802, sub-§3**, as amended by PL 2007, c. 539, Pt. JJJJ, §3, is further amended to read:

**3. Services.** "Services" means those activities undertaken to provide special education, habilitation, rehabilitation, vocational and related services to handicapped-persons students with disabilities in transition from school to community. These services may include, but are not limited to:

- A. Identification of all handicapped-youth students with disabilities in transition in schools and in the community;
- B. Referral to appropriate community services and information regarding their location;

- C. Technical assistance for student education and transition plan development and implementation;
- D. Program development and evaluation;
- E. Case management and student tracking;
- F. Family training, counseling and support;
- G. Employer training, counseling and support;
- H. Facilitation of interagency communication and collaboration; and
- I. Planning and conducting skill development training.

**Sec. 5. 20-A MRSA §7803-A,** as amended by PL 2007, c. 539, Pt. JJJJ, §7, is further amended to read:

**§ 7803-A. Transition services**

Each school administrative unit shall provide an annual statement of the transition services needed by a ~~handicapped youth~~ student with a disability in transition enrolled in that unit. The statement of transition services must be provided to all ~~handicapped youth students with disabilities~~ in transition who are 16 years of age or older and enrolled in school and may be provided to younger students when the school administrative unit finds it necessary. When appropriate, a cooperative agreement among the ~~Department of Education~~ department, the Department of Health and Human Services, the Department of Corrections and the Department of Labor must be included as part of the annual statement describing the responsibilities of and coordination required by those agencies. If a cooperating agency fails to provide agreed-upon services, the school administrative unit may notify the chair of the committee, who may reconvene the cooperating agencies for the purposes of developing alternative strategies to meet the transition objectives. This section does not require any school administrative unit to provide noneducational services to students.

**Sec. 6. 20-A MRSA §7804, sub-§1-A,** as amended by PL 2007, c. 539, Pt. JJJJ, §8, is further amended to read:

**1-A. Grants.** The committee, as established in section 7803, may provide funds to support the effective delivery of regional services to handicapped youth students with disabilities in transition by coordinating existing programs, when possible, and establishing a mechanism for ongoing coordination of programs for ~~handicapped youths~~ students with disabilities in transition at a local or regional level, including local educational agencies, community mental health centers, regional mental retardation services, regional rehabilitation programs and other public and private agencies as appropriate. Each project must establish a method to identify unserved and underserved ~~handicapped youths~~ students with disabilities in transition and develop services for these ~~youths~~ students.

**Sec. 7. 20-A MRSA §7804, sub-§2,** as amended by PL 2007, c. 539, Pt. JJJJ, §8, is further amended to read:

**2. Rules.** The committee shall adopt rules that, among other provisions, require that existing resources for providing services to ~~handicapped youths~~ students with disabilities in transition be exhausted prior to using grants funds to provide services.

**Sec. 8. 20-A MRSA §8102**, as amended by PL 2003, c. 477, §§7 and 8, is further amended to read:

**§ 8102. Grants to school administrative units**

The department may, from federal or other funds available to it, grant funds to a school administrative unit to ~~undertake~~ provide gifted and talented education programs. A grant must be made on the basis of the requirements of the department.

**1. Guidelines for the identification of gifted and talented students.** The commissioner ~~shall~~ may adopt or amend rules for the identification of gifted and talented students and for gifted and talented education programs.

**2. Programs for gifted and talented students.** A school administrative unit requesting funds to ~~undertake~~ provide a gifted and talented education program shall develop a proposed program of identification and education in accordance with guidelines established by the commissioner.

**3. Time limits.** ~~The following limits apply.~~

A. ~~On or before June 30th, the school administrative unit shall submit to the department its proposed program.~~

B. ~~By September 1st, the commissioner shall notify the school administrative unit whether the proposal has been funded for the following fiscal year.~~

**4. Technical assistance.** The commissioner may provide technical assistance to a school administrative unit for planning for gifted and talented education programs.

**Sec. 9. 20-A MRSA §8104**, as amended by PL 2003, c. 477, §§10 and 11, is repealed.

**Sec. 10. 20-A MRSA §8105** is enacted to read:

**§ 8105. Rules**

The commissioner may adopt or amend rules to implement this chapter, including the identification of students, needs and resource assessment and program planning, development and implementation. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 11. 20-A MRSA §9901**, as enacted by PL 2005, c. 639, §1, is repealed.

**Sec. 12. 34-B MRSA §3004, sub-§3, ¶D**, as enacted by PL 1985, c. 768, §5, is amended to read:

D. Participate in the coordination of services for persons with chronic mental illnesses with local transitional services coordination projects for ~~handicapped youth~~ students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

**Sec. 13. 34-B MRSA §5433, sub-§5**, as enacted by PL 1985, c. 768, §7, is amended to read:

**5. Transitional services coordination projects.** Participate in the coordination of services for ~~mentally retarded persons~~ individuals with developmental disabilities with local transitional services coordination projects for ~~handicapped youths~~ students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 20-A, chapter 308, in the chapter headnote, the words "transitional services coordination projects for handicapped persons" are amended to read "transitional services coordination projects for students with disabilities" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 15. Rulemaking.** No later than January 8, 2010, the Department of Education shall submit to the Legislature provisionally adopted rules necessary to implement the requirements of the Maine Revised Statutes, Title 20-A, section 6662, subsection 2 for the 2010-2011 school year. Rules provisionally adopted by the department pursuant to this section must align the standards for food and beverages sold or distributed on school grounds but outside of school meal programs with the nutritional standards established for the total food service program as defined in Department of Education rules Chapter 51.

Effective September 12, 2009