

**§7202. Duties of school administrative units**

Each school administrative unit shall: [PL 2023, c. 449, §4 (AMD).]

**1. Identification.** Identify all children within its jurisdiction who require special education; [PL 1981, c. 693, §§5, 8 (NEW).]

**2. Records.** Make and keep current records of children with disabilities within its jurisdiction, as required by rules established by the commissioner and institute procedures that guarantee the confidentiality of these records in accordance with state and federal law; [PL 2005, c. 662, Pt. A, §23 (AMD).]

**2-A. Assist advocates for developmentally disabled.** Assist the advocacy agency designated under Title 5, section 19502 in conducting an investigation, pursuant to Title 5, section 19505, subsection 4, by providing access to relevant case records, notifying parents or guardians of these investigations and requesting parental consent for access to case records by the agency. Parents or guardians may refuse to consent to the examination of these records; [PL 2005, c. 662, Pt. A, §23 (AMD).]

**3. Diagnosis and evaluation.** Provide the evaluations and assessments required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, to plan and implement a special education program for children with disabilities at least 3 years of age and under 22 years of age within its jurisdiction; [PL 2023, c. 450, §3 (AMD).]

**4. Plan.** Submit a plan for its special education programs to the commissioner for approval in accordance with rules established by the commissioner; [PL 1981, c. 693, §§5, 8 (NEW).]

**5. Special education.** Provide special education for each eligible child with a disability within its jurisdiction; [RR 2017, c. 2, §4 (COR).]

**5-A. Diploma requirements.** Award a high school diploma to each child with a disability who successfully meets the content standards of the system of learning results, in addition to any other diploma requirements applicable to all secondary school students pursuant to section 4722, as specified by the goals and objectives of the child's individualized education program; [PL 2005, c. 662, Pt. A, §23 (AMD).]

**6. Compliance.** Provide the commissioner with the information the commissioner may require to determine compliance with this chapter; [PL 1983, c. 806, §63 (AMD).]

**7. Notice of parent's right to be a member of the team.** Notify in writing the parent, surrogate parent or guardian of the child with a disability of that person's right to be a member of the team and place a copy of the notice in the student's permanent records; [PL 2005, c. 662, Pt. A, §23 (AMD).]

**8. Facility construction, renovation and repair.** Seek approval in advance from the commissioner for construction, renovation or repair, with or aided by public funds, of facilities intended for the education of children with disabilities, or give assurances that other facilities in the school administrative unit are adequate to meet the needs of those students; [PL 2005, c. 662, Pt. A, §23 (AMD).]

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

A. Assist the agency in its studies; and [PL 1983, c. 327, §2 (NEW).]

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; [PL 2011, c. 348, §4 (AMD); PL 2011, c. 363, §1 (AMD).]  
[PL 2011, c. 348, §4 (AMD); PL 2011, c. 363, §1 (AMD).]

**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 an individualized education program team meeting and to attend and participate in any 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 individualized education program team meeting and a copy of the notice must be placed in the child's permanent record; [RR 2011, c. 1, §27 (COR).]

**11. Transitional services for students with disabilities.** Plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and [RR 2011, c. 1, §28 (COR).]

**REVISOR'S NOTE:** (Subsection 11 as enacted by PL 2011, c. 363, §3 is REALLOCATED TO TITLE 20-A, SECTION 7202, SUBSECTION 12)

**12. (REALLOCATED FROM T. 20-A, §7202, sub-§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. [RR 2011, c. 1, §29 (RAL).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 327, §§1,2 (AMD). PL 1983, c. 539, §1 (AMD). PL 1983, c. 806, §63 (AMD). PL 1989, c. 857, §§53-55 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 446, §7 (AMD). PL 2005, c. 662, §A23 (AMD). RR 2011, c. 1, §§27-29 (COR). PL 2011, c. 348, §§4-6 (AMD). PL 2011, c. 363, §§1-3 (AMD). RR 2017, c. 2, §4 (COR). PL 2023, c. 449, §4 (AMD). PL 2023, c. 450, §3 (AMD).

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