

§7206. Investigation of noncompliance

The following provisions apply to an investigation of noncompliance with this chapter. [PL 1981, c. 693, §§5, 8 (NEW).]

1. Complaint. An interested party may file with the commissioner a written complaint alleging that a school administrative unit or private school, intermediate educational unit or other public agency serving children with disabilities has failed to comply with this chapter. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received or the complaint must request compensatory services for a violation that occurred not more than 2 years prior to the date the complaint is received.

[PL 2023, c. 449, §5 (AMD).]

1-A. Determination of jurisdiction.

[PL 1993, c. 483, §1 (RP).]

1-B. Notification.

[PL 1993, c. 483, §1 (RP).]

2. Investigation; written report. The commissioner shall initiate, and complete within 60 days, an investigation and a written report.

A. [PL 1993, c. 483, §2 (RP).]

B. [PL 1993, c. 483, §2 (RP).]

[PL 1993, c. 483, §2 (AMD).]

3. Post-investigation procedure.

[PL 1993, c. 483, §3 (RP).]

4. Appeal.

[PL 2005, c. 70, §1 (RP).]

5. Enforcement. If the school administrative unit, intermediate educational unit, public school or other public agency against which a complaint has been filed under subsection 1 fails to comply with an order issued by the commissioner, the commissioner:

A. May withhold financial aid from the school administrative unit, intermediate educational unit, public school or other public agency until it complies with the commissioner's order; and [PL 2023, c. 449, §6 (AMD).]

B. Shall refer the matter to the Attorney General, who shall take appropriate action to bring the school administrative unit, intermediate educational unit, public school or other public agency into compliance. [PL 2023, c. 449, §6 (AMD).]

[PL 2023, c. 449, §6 (AMD).]

6. Additional remedies. The remedies provided in this section are in addition to any other remedy in law or equity.

[PL 1981, c. 693, §§5, 8 (NEW).]

7. Complaint investigators; immunity. The State shall train complaint investigators. For the purposes of this section, while carrying out their official duties, complaint investigators are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

[PL 1999, c. 424, Pt. A, §7 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 130, §§1,2 (AMD). PL 1983, c. 806, §§65,66 (AMD). PL 1983, c. 862, §60 (AMD). PL 1989, c. 69, §§1-4 (AMD). PL 1993, c. 483, §§1-4 (AMD). PL 1999, c. 424, §§A5-7 (AMD). PL 2005, c. 70, §1 (AMD). PL 2005, c. 662, §A26 (AMD). PL 2009, c. 571, Pt. U, §1 (AMD). PL 2023, c. 449, §§5, 6 (AMD).

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