

MAINE STATE LEGISLATURE

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Date: 5/20/15

L.D. 201
(Filing No. H- 180)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 144, L.D. 201, "Resolve, Regarding
Legislative Review of Portions of Chapter 101: Maine Unified Special Education
Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of
Education"

Amend the resolve by striking out all of section 1 and inserting the following:

'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101:
Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally
adopted major substantive rule of the Department of Education that has been submitted to
the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375,
subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Section II.19, Section IV.2.B and Section VI.2.A to strike the term "Individualized Educational Program (IEP) Service Coordinator" and restore the term "Individualized Educational Program (IEP) Case Manager" in alignment with federal regulations adopted for Part B of the federal Individuals with Disabilities Education Act;
2. The rule must be amended in Section IV.2.E, which concerns the local policy developed by an Intermediate Educational Unit (IEU) or a School Administrative Unit (SAU) on the referral of a child to an Individualized Education Program (IEP) Team, by amending the timeline for additional evaluations needed for a child to require that the IEU must send a consent to evaluate form to the IEP Team within 15 days;
3. The rule must be amended in Section V.1.A, which concerns the initial evaluation of whether a child age 3 to age 20 is a child with a disability, by adding language that indicates that the initial evaluation must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of such child, and in Section V.1.A(3)(a)(ii) by deleting language that indicates that, following the completion of the initial evaluation, the SAU shall proceed to determine the educational needs of the child;

COMMITTEE AMENDMENT

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4. The rule must be amended in Section V.2.F, which concerns determination of eligibility and educational need, to strike subparagraph (3), which establishes a new timeline for completion of the determination of eligibility and development of the IEP;

5. The rule must be amended in Section V.4.B, which concerns the submission of a written evaluation report of whether a child age 3 to age 20 is a child with a disability, by restoring the original language to this section regarding the requirement that the person completing an evaluation submit a report no later than 40 school days, or 50 days for children in the Child Development Services System, recognizing the requirement that parents receive the report at least 3 days prior to the meeting; and

6. The rule must be amended in Section IX.3.B(2), which concerns the implementation of a child with a disability's IEP, by restoring the language that specifies that a meeting to develop an IEP is conducted within 30 days of a determination that the child needs special education and related services.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.'

SUMMARY

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 201

LR 1885(02)

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education

Fiscal Note for Bill as Amended by Committee Amendment

A (H-180)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education associated with making the required changes to portions of Chapter 101: Maine Unified Education Regulation Birth to Age Twenty can be absorbed within existing budgeted resources.