

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1147

H.P. 842

House of Representatives, February 20, 1997

**An Act to Ensure Consistency Between State and Federal Special
Education Requirements.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.
Cosponsored by Representatives: BELANGER of Caribou, McELROY of Unity, WHEELER of Bridgewater.

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

4 **Sec. 1. 20-A MRSA §7004** is enacted to read:

6 **§7004. Special education**

8 1. Rulemaking. The department shall identify in its
10 regulatory agenda, when feasible, a proposed rule or provision of
12 a proposed rule that is anticipated to be more stringent than the
14 federal statute or regulation, if an applicable federal statute
16 or regulation exists.

18 During the consideration of any proposed rule by the board, when
20 feasible, and using information available to it, the department
22 shall identify provisions of the proposed rule that the
24 department believes would impose a regulatory burden more
26 stringent than the burden imposed by the corresponding federal
28 statute or regulation, if such a federal statute or regulation
30 exists, and explain in a separate section of the basis statement
32 the justification for the difference between the agency rule and
34 the federal statute or regulation.

36 **Sec. 2. Current rules; review.** Any rule of the Department of
38 Education concerning special education in existence on the
40 effective date of this Act is subject to the review requirements
42 of this Act for proposed rules. The department shall evaluate
44 the current rules concerning special education, identify
46 provisions believed to impose a regulatory burden more stringent
48 than the burden imposed by the corresponding federal statute or
regulation, if such a statute or regulation exists, and explain
the justification for the difference. The department shall
report the results of this evaluation to the Joint Standing
Committee on Education and Cultural Affairs no later than March
1, 1998.

SUMMARY

The purpose of this bill is to ensure that state and federal
special education requirements are consistent and that any rule
currently in place or to be adopted not exceed federal
regulations concerning special education requirements. It
requires the Department of Education to identify provisions of a
proposed rule anticipated to be more stringent than the
corresponding federal statute or regulation and explain the
justification for the difference. It further subjects any rule
concerning special education currently in existence to the same
review requirements.