

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1413

S.P. 475

In Senate, February 18, 1999

An Act to Amend the Special Education Rules.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representatives: CAMERON of Rumford, DUGAY of Cherryfield,
PINKHAM of Lamoine.

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

4 **Sec. 1. 20-A MRS §7005**, as reallocated by RR 1997, c. 1,
§20, is repealed and the following enacted in its place:

6 **§7005. Special education; rulemaking**

8 The department may not adopt any rule that is more stringent
10 than the federal statute or regulation, if an applicable federal
statute or regulation exists.

12 **Sec. 2. Amendments to current rules.** The Commissioner of
14 Education shall conduct rulemaking in accordance with the Maine
Revised Statutes, Title 5, chapter 375, to amend its current
16 rules relating to special education to conform to the
requirements contained in the federal statutes or rules governing
18 special education. Rules adopted or amended pursuant to this
section are routine technical rules as defined in the Title 5,
chapter 375, subchapter II-A.

22 **SUMMARY**

24 This bill requires that the rules adopted by the Department
26 of Education relating to special education conform to federal
statutes and rules and prohibits the adoption of rules that are
28 more stringent than the federal statutes or rules.

30 The bill also requires that the Department of Education
conduct rulemaking to amend any of its current rules that are
32 more stringent than the federal statutes or rules to conform to
federal standards.