

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 2026

DATE: 5-5-99

(Filing No. H-472)

MINORITY
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1419, L.D. 2026, Bill, "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations"

Amend the bill in Part A in section 2 in paragraph C by striking out all of subparagraph (6) and inserting in its place the following:

'(6) Behavior: Behavioral impairment; or'

Further amend the bill in Part A in section 2 in paragraph C in subparagraph (11) in the first line (page 2, line 5 in L.D.) by adding at the end the following: 'or'

Further amend the bill in Part A in section 2 in paragraph C in subparagraph (12) in the first line (page 2, line 7 in L.D.) by striking out the following: "disabilities; or" and inserting in its place the following: 'disabilities.'

Further amend the bill in Part A in section 2 in paragraph C by striking out all of subparagraph (13).

Further amend the bill in Part A in section 4 in paragraph C by striking out all of subparagraph (6) and inserting in its place the following:

'(6) Behavior: Behavioral impairment; or'

Further amend the bill in Part A in section 4 in paragraph C in subparagraph (11) in the first line (page 2, line 43 in L.D.) by adding at the end the following: 'or'

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COMMITTEE AMENDMENT "b" to H.P. 1419, L.D. 2026

2 Further amend the bill in Part A in section 4 in paragraph C
in subparagraph (12) in the first line (page 2, line 45 in L.D.)
4 by striking out the following: "disabilities; or" and inserting
in its place the following: 'disabilities.'

6 Further amend the bill in Part A in section 4 in paragraph C
by striking out all of subparagraph (13).

8 Further amend the bill in Part A by striking out all of
10 section 5.

12 Further amend the bill by inserting after Part B the
following:

16 'PART C

18 **Sec. C-1. Study of developmental delay category.** The Department
of Education, with input from interested parties, shall study the
20 appropriateness and likely impact of including developmental
delay for children from 5 years of age to 9 years of age and from
22 birth to 5 years of age as a component in the definitions of
"exceptional student" and "preschool handicapped child" in Maine
24 Revised Statutes, Title 20-A, section 7001. In conducting the
study, the department may draw on its experiences with the
26 category of developmental delay as a disability characteristic
for children from birth to 3 years of age and 3 years of age to
28 under 6 years of age under Title 20-A, chapter 307-A. The
department shall report its findings to the Joint Standing
30 Committee on Education and Cultural Affairs not later than
December 31, 1999.'

32 Further amend the bill by relettering or renumbering any
34 nonconsecutive Part letter or section number to read
consecutively.

36 Further amend the bill by inserting at the end before the
38 summary the following:

40 'FISCAL NOTE

42 The Department of Education will incur some minor additional
44 costs to amend rules, to train individuals as complaint
investigators and impartial mediators and to study the
46 appropriateness and impact of including a developmental delay
category under special education law. These costs can be
48 absorbed within the department's existing budgeted resources.'

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SUMMARY

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This amendment is the minority report of the committee. It replaces "emotional disturbance" in the definitions of "exceptional student" and "preschool handicapped child" and replaces it with "behavioral impairment." The amendment also strikes developmental delay as a category in the definitions of "exceptional student" and "preschool handicapped child." The amendment strikes the section of the bill limiting special educational services to incarcerated persons 18 to 20 years of age who were not identified as needing and actively receiving those services prior to incarceration in an adult correctional facility. The amendment also directs the Department of Education to study the appropriateness and impact of including developmental delay as a category of disability under special education law and to report to the Joint Standing Committee on Education and Cultural Affairs by December 31, 1999. It also adds a fiscal note to the bill.