

MAINE STATE LEGISLATURE

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L.D. 2026

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EDUCATION AND CULTURAL AFFAIRS

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

COMMITTEE AMENDMENT "C" 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) (page 1, line 44 in L.D.) and inserting in its place the following:

'(6) Behavior;---or Emotional disability. This subparagraph is repealed June 30, 2000;'

Further amend the bill in Part A in section 2 in paragraph C by striking out all of subparagraphs (11), (12) and (13) and inserting in their place the following:

'(11) Deafness and blindness; or

(12) Multiple disabilities.'

Further amend the bill in Part A in section 4 in paragraph C by striking out all of subparagraph (6) (page 2, line 32 in L.D.) and inserting in its place the following:

'(6) Behavior;---or Emotional disability. This subparagraph is repealed June 30, 2000;'

Further amend the bill in Part A in section 4 in paragraph C by striking out all of subparagraphs (11), (12) and (13) and inserting in their place the following:

COMMITTEE AMENDMENT

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- 2 '(11) Deafness and blindness; or
- 4 '(12) Multiple disabilities.'

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

8 Further amend the bill in Part A by inserting at the end the following:

12 '**Sec. A-12. Study of use of emotional and behavioral indicators in identification of exceptional students and preschool handicapped children.** The Department of Education shall study and compare the rate of identification of exceptional students and preschool handicapped children using emotional and behavioral indicators between school units within the State and between the State and other states. The department shall analyze the use of emotional and behavioral indicators within the State to identify inconsistencies and instances of over-indentification and under-indentification. The department shall report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs no later than December 31, 1999. The committee may introduce legislation concerning the use of emotional and behavioral indicators in the identification of exceptional students and preschool handicapped children to the Second Regular Session of the 119th Legislature.

28 **Sec. A-13. Study of developmental delay category.** The Department of Education, with input from interested parties, shall study the appropriateness and likely impact of including developmental delay for children from 5 to 9 years of age and from birth to 5 years of age as a component in the definitions of "exceptional student" and "preschool handicapped child" in the Maine Revised Statutes, Title 20-A, section 7001. In performing the study, the department may draw on its experiences with the category of developmental delay as a disability characteristic for children from birth to 3 years of age and 3 years of age to under 6 years of age under Title 20-A, chapter 307-A. The department shall report its findings to the Joint Standing Committee on Education and Cultural Affairs no later than December 31, 1999.'

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

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

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FISCAL NOTE

The Department of Education will incur some minor additional costs to amend rules; to train individuals as complaint investigators and impartial mediators; and to study both the impact of including a developmental delay category under special education law and the use of emotional behavioral indicators in the identification of exceptional students and preschool handicapped children. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment repeals the use of "behavioral impairment" in the definitions of "exceptional student" and "preschool handicapped child" and replaces that term with the term "emotional disability." The Department of Education is directed to study the use of emotional and behavioral indicators in the identification of exceptional students and preschool handicapped children and report to the Joint Standing Committee on Education and Cultural Affairs by December 31, 1999.

The amendment also strikes "developmental delay" as a category in the definitions of "exceptional student" and "preschool handicapped child" and 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.

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. It also adds a fiscal note to the bill.