

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2593

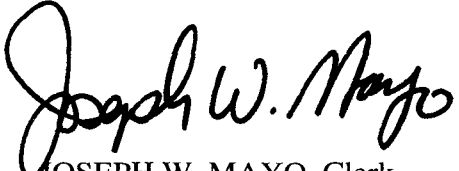
H.P. 1858

House of Representatives, February 29, 2000

An Act to Extend the Use of Emotional Disability as an Indicator in the Identification of Exceptional Children.

Reported by Representative BRENNAN for the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 1999, chapter 424, Part A, section 11.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

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Sec. 1. 20-A MRSA §7001, sub-§2, ¶C, as amended by PL 1999, c. 424, Pt. A, §2, is further amended to read:

C. Requires special education because of one or more of the following:

- (1) Visual impairments, including blindness;
- (2) Hearing impairments, including deafness;
- (3) Speech and language impairments;
- (4) Specific learning disabilities;
- (5) Orthopedic impairments;
- (6) Emotional disability. This subparagraph is repealed June 30, 2000;
- (6-A) Emotional disability. This subparagraph is repealed June 30, 2002;
- (7) Mental retardation;
- (8) Autism;
- (9) Traumatic brain injury;
- (10) Other health impairment;
- (11) Deafness and blindness; or
- (12) Multiple disabilities.

Sec. 2. 20-A MRSA §7001, sub-§4, ¶C, as amended by PL 1999, c. 424, Pt. A, §4, is further amended to read:

C. Requires special services because of one or more of the following:

- (1) Visual impairments, including blindness;
- (2) Hearing impairments, including deafness;
- (3) Speech and language impairments;
- (4) Specific learning disabilities;

- 2 (5) Orthopedic impairments;
- 4 (6) Emotional disability. This subparagraph is repealed June 30, 2000;
- 6 (6-A) Emotional disability. This subparagraph is repealed June 30, 2002;
- 8 (7) Mental retardation;
- 10 (8) Autism;
- 12 (9) Traumatic brain injury;
- 14 (10) Other health impairment;
- 16 (11) Deafness and blindness; or
- 18 (12) Multiple disabilities.
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22 **Sec. 3. Study of use of emotional, behavioral and developmental delay**
24 **categories in identification of exceptional students and preschool**
26 **handicapped children.** The Department of Education shall study and
28 compare the rate of identification of exceptional students and
30 preschool handicapped children using emotional and behavioral
32 indicators among school units within the State and between the
34 State and other states. The department shall analyze the use of
36 emotional and behavioral indicators within the State to identify
38 inconsistencies and instances of over-identification and
40 under-identification. The department shall also study the
42 appropriateness and likely impact of including developmental
44 delay for children from 5 to 9 years of age and from birth to 5
46 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. The department shall issue
an interim report on the status of its study to the joint
standing committee of the Legislature having jurisdiction over
education matters no later than March 1, 2001. The department
shall issue its final report, including findings and
recommendations, to the joint standing committee of the
Legislature having jurisdiction over education matters no later
than February 1, 2002. The committee may introduce legislation
concerning the use of emotional, behavioral and developmental
delay categories in the identification of exceptional students
and preschool handicapped children to the Second Regular Session
of the 120th Legislature.

48 **Sec. 4. Retroactivity.** Those sections of this Act that enact
50 the Maine Revised Statutes, Title 20-A, section 7001, subsection
2,

2 paragraph C, subparagraph 6-A and subsection 4, paragraph C,
subparagraph 6-A take effect retroactively to June 30, 2000.

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6 SUMMARY

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8 This bill is reported by the Joint Standing Committee on
Education and Cultural Affairs pursuant to Public Law 1999,
10 chapter 424, Part A, section 11. The bill extends to June 30,
2002 the use of emotional disability as an identifying factor in
12 the identification of exceptional children from birth to 9 years
of age. The bill also directs the Department of Education to
14 study the impact of the use of emotional and behavioral
indicators and the likely impact of the use of developmental
delay categories in the identification of exceptional children.