

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 665

H.P. 485

House of Representatives, February 8, 2005

Resolve, Directing the Department of Education To Clarify Graduation Requirements for Special Education Students

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NORTON of Bangor.
Cosponsored by Senator TURNER of Cumberland and
Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, FINCH of Fairfield,
FISCHER of Presque Isle, GOLDMAN of Cape Elizabeth, MAKAS of Lewiston, MARLEY
of Portland, Senator: MITCHELL of Kennebec.

2 **Preamble.** Whereas, federal law provides that graduation
requirements for a special education student must be governed by
provisions of the student's individual education plan; and

4
6 **Whereas,** current rules of the Maine Department of Education
contain conflicting provisions regarding the role of individual
education plans in determining specific graduation requirements
8 for special education students; now, therefore, be it

10 **Sec. 1. Department of Education authorized to review conflicting**
graduation requirements for special education students. Resolved: That
12 the Department of Education is directed to conduct a review of
applicable federal laws and regulations, state law and rules of
14 the Department of Education related to the role of individual
education plans in determining specific graduation requirements
16 for special education students; and be it further

18 **Sec. 2. Reporting date established. Resolved:** That the
Department of Education shall report its findings, including
20 suggested legislation, concerning resolution of the conflict
between federal and state law related to the role of individual
22 education plans in determining specific graduation requirements
for special education students to the Joint Standing Committee on
24 Education and Cultural Affairs by December 2, 2005. The Joint
Standing Committee on Education and Cultural Affairs is
26 authorized to introduce a bill related to the Department of
Education's report to the Second Regular Session of the 122nd
28 Legislature at the time of submission of its report.

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SUMMARY

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This resolve directs the Department of Education to review
34 federal laws, state statutes and rules of the Department of
Education related to the role of individual education plans in
36 determining specific graduation requirements for special
education students. The Department of Education shall present a
38 report, including suggested legislation, to resolve conflicts to
the Joint Standing Committee on Education and Cultural Affairs by
40 December 2, 2005. The Joint Standing Committee on Education and
Cultural Affairs is authorized to introduce a bill related to
42 this report to the Second Regular Session of the 122nd
Legislature.