



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1638

H.P. 1147

House of Representatives, March 22, 2007

Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law

(EMERGENCY)

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

Millicent M. Mac Failand

MILLICENT M. MacFARLAND Clerk

Presented by Representative CAIN of Orono. Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BLISS of South Portland, EDGECOMB of Caribou, HARLOW of Portland, LANSLEY of Sabattus, NORTON of Bangor, PERCY of Phippsburg, PINGREE of North Haven, STRANG BURGESS of Cumberland. 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, pursuant to 20 United States Code, Section 1400, et seq., as found in 34 Code of Federal Regulations, Part 300, the Department of Education needs to adopt rules that are aligned with the federal regulations that implement the Individuals with Disabilities Education Act in a timely manner; and

7 Whereas, regulations affecting the education of children with disabilities have a 8 significant effect on the lives of these children and on the State as a whole and are 9 therefore worthy of thoughtful public disclosure; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

14 Sec. 1. Limitation. Resolved: That, during the 123rd Legislature, the 15 Department of Education shall limit the proposed rules it submits to the Joint Standing 16 Committee on Education and Cultural Affairs regarding special education eligibility for 17 children 6 years of age or older and under 21 years of age to those necessary to align state 18 rules with federal regulations; and be it further

19 Sec. 2. Eligibility standards. Resolved: That the Department of Education 20 may not attempt rulemaking on the matter of eligibility standards for special education 21 regarding children with disabilities for children 6 years of age or older and under 21 years 22 of age; and be it further

23 Sec. 3. Report. Resolved: That the Department of Education shall file a report 24 with the Legislature by December 30, 2007 with data indicating the impact on eligibility 25 rates, disaggregated by age, disability category, gender and geographic region, of any 26 proposed changes to the eligibility standards for special education.

Emergency clause. In view of the emergency cited in the preamble, this
legislation takes effect when approved.

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SUMMARY

This resolve directs the Department of Education to limit the proposed rules it submits to the Joint Standing Committee on Education and Cultural Affairs regarding special education for children 6 years of age or older and under 21 years of age to those necessary to align state rules with federal regulations. The department shall file a report by December 30, 2007.