

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 3/17/8

(Filing No. H- 763)

Majority

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1516, L.D. 2136, "Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education"

Amend the resolve by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the provisionally adopted rule is amended as set out in this section.

1. The rule must be amended in Section VII by deleting the part of the rule designated "3. Determination of Adverse Effect for Children Three to Twenty" and by adding a definition for the term "adverse effect on educational performance" to comport with the definition that was recommended by a majority of the stakeholder group convened pursuant to Resolve 2007, chapter 138 to examine the federal and state rules and laws pertaining to the determination of adverse effect for children from 3 to 20 years of age and that is included in the stakeholder group's final report to the Commissioner of Education dated September 28, 2007.

2. The rule must be amended in Section VII by deleting the part of the rule designated "4. Needs special education and related services."

3. The rule must be amended in Section V in the part designated "1. Evaluations, Parental Consent, and Reevaluations" to establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation; and be it further

Sec. 2. Guidance on appropriate assessments. Resolved: That the Commissioner of Education shall provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, pertaining to the determination of adverse effect on educational performance for children from 3 to 20 years of age as set forth in the Department of Education Rule Chapter 101:

COMMITTEE AMENDMENT

1 Maine Unified Special Education Regulation as amended pursuant to section 1. The
2 guidance provided to local educational agencies must explain the importance of using
3 assessments that are appropriate to identify any area of educational performance that may
4 be negatively influenced by the child's disability; and be it further

5 **Sec. 3. Clarification of content of written notice. Resolved:** That the
6 Commissioner of Education shall provide guidance to school administrative units that
7 clarifies the content of the written notice to be provided to the parents of a child with a
8 disability as set forth in the Department of Education Rule Chapter 101: Maine Unified
9 Special Education Regulation in "Appendix 1" in the part designated "Written Notice."
10 The guidance provided to school administrative units must clarify that the contents of the
11 written notice provided to parents must be equivalent to the detailed summary and
12 descriptions required by the former Department of Education Rule Chapter 101
13 provisions for the minutes of pupil evaluation team meetings.'

14 **SUMMARY**

15 This amendment is the majority report of the Joint Standing Committee on Education
16 and Cultural Affairs. The amendment provides that final adoption of the provisionally
17 adopted major substantive rule is authorized contingent upon the Department of
18 Education:

19 1. Amending the proposed rule by deleting the part of the rule pertaining to the
20 determination of adverse effect for children 3 to 20 years of age and incorporating a
21 definition for the term "adverse effect on educational performance" that comports with
22 the definition that was recommended by a majority of the stakeholder group convened
23 pursuant to Resolve 2007, chapter 138 to examine the federal and state rules and laws
24 pertaining to the determination of adverse effect for children from 3 to 20 years of age;

25 2. Amending the proposed rule by deleting the part of the rule designated "4. Needs
26 special education and related services"; and

27 3. Amending the proposed rule to establish provisions that require that an initial
28 evaluation or a reevaluation of a child be conducted within 45 school days of receiving
29 parental consent for the evaluation.

30 The amendment also directs the Commissioner of Education to:

31 1. Provide administrative guidance to local educational agencies, including
32 intermediate educational units and school administrative units, that explains the
33 importance of using assessments that are appropriate to identify any area of educational
34 performance that may be negatively influenced by the child's disability when making a
35 determination of adverse effect on educational performance for children from 3 to 20
36 years of age; and



Approved: 03/07/08 *mac*

123rd MAINE LEGISLATURE

LD 2136

LR 3433(02)

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education associated with the legislative review and final adoption of portions of Chapter 101 can be absorbed within existing budgeted resources.