

MAINE STATE LEGISLATURE

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2 Date: 3/17/8

(Filing No. H- 764)

Minority

3 EDUCATION AND CULTURAL AFFAIRS

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

5 STATE OF MAINE

6 HOUSE OF REPRESENTATIVES

7 123RD LEGISLATURE

8 SECOND REGULAR SESSION

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

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

13 'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101:
14 Maine Unified Special Education Regulation, a provisionally adopted major substantive
15 rule of the Department of Education that has been submitted to the Legislature for review
16 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is
17 authorized only if the provisionally adopted rule in Section V in the part designated "1.
18 Evaluations, Parental Consent, and Reevaluations" is amended to establish provisions that
19 require that an initial evaluation or a reevaluation of a child be conducted within 45
20 school days of receiving parental consent for the evaluation; and be it further

21 Sec. 2. Clarification of content of written notice. Resolved: That the
22 Commissioner of Education shall provide guidance to school administrative units that
23 clarifies the content of the written notice to be provided to the parents of a child with a
24 disability as set forth in the Department of Education Rule Chapter 101: Maine Unified
25 Special Education Regulation in "Appendix 1" in the part designated "Written Notice."
26 The guidance provided to school administrative units must clarify that the contents of the
27 written notice provided to parents must be equivalent to the detailed summary and
28 descriptions required by the former Department of Education Rule Chapter 101
29 provisions for the minutes of pupil evaluation team meetings.'

30 SUMMARY

31 This amendment is the minority report of the Joint Standing Committee on Education
32 and Cultural Affairs. The amendment provides that final adoption of the provisionally
33 adopted major substantive rule is authorized contingent upon the Department of
34 Education amending the proposed rule to establish provisions that require that an initial

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "B" to H.P. 1516, L.D. 2136

1 evaluation or a reevaluation of a child be conducted within 45 school days of receiving
2 parental consent for the evaluation.

3 The amendment also directs the Commissioner of Education to provide guidance to
4 school administrative units clarifying that the content of the written notice provided to
5 parents must be equivalent to the detailed summary and descriptions required by the
6 former Department of Education Rule Chapter 101 provisions for the minutes of pupil
7 evaluation team meetings.

8 **FISCAL NOTE REQUIRED**
9 (See attached)



123rd MAINE LEGISLATURE

LD 2136

LR 3433(03)

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 "B"

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.