

MAINE STATE LEGISLATURE

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Date: 4/28/11

Minority

L.D. 326
(Filing No. H-132)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 259, L.D. 326, Bill, "An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment adds a mandate preamble.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 326

LR 181(02)

An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate

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

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity

Requires that the burden of proof in a due process hearing to determine whether an individualized education program developed by a school administrative unit meets the needs of a child with a disability be placed on the school administrative unit.

Unit Affected

School

Local Cost

Moderate statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the state from the constitutional requirement to fund 90% of the additional costs.

Fiscal Detail and Notes

This legislation may result in additional costs to the Department of Education due to a potential increase in the number of filings for due process hearings. The impact to the department and to local school administrative units can not be determined at this time.