

MAINE STATE LEGISLATURE

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Date: 6/7/13

L.D. 1184

(Filing No. H-399)

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3 **EDUCATION AND CULTURAL AFFAIRS**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **126TH LEGISLATURE**
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 828, L.D. 1184, Bill, "An Act
10 Regarding Special Education Requirements for School Administrative Units That Do Not
11 Operate Any Schools"

12 Amend the bill by striking out the title and substituting the following:

13 **'Resolve, Requiring Rulemaking Regarding Special Education Requirements and**
14 **Review of School Administrative Units That Do Not Operate Any Schools'**

15 Amend the bill by striking out everything after the title and before the summary and
16 inserting the following:

17 **'Sec. 1. Department of Education to adopt rules. Resolved:** That the
18 Department of Education shall amend its rules governing special education to establish a
19 process for the department to review sending school units with respect to children with
20 disabilities who reside within the sending school units who attend receiving schools. As
21 used in this resolve, "sending school unit" means a school administrative unit that does
22 not own, lease or otherwise operate any school. As used in this resolve, "receiving
23 school" means a school administrative unit or private school that receives students from a
24 sending school unit. The process must include:

25 1. A requirement that the department contact the superintendent of the sending
26 school unit under review to request a list of students with disabilities and the receiving
27 school each student attends;

28 2. A requirement that the department request the receiving school to submit
29 information to the department in connection with the students who are from the sending
30 school unit that is under review. The information must include, but is not limited to,
31 individualized education programs, written notices, advanced written notices and
32 evaluations. The rules must require the receiving school to submit the information
33 requested by the department;

34 3. A method for the department to audit the information submitted by the receiving
35 school and a procedure for the department to issue letters of findings and corrective
36 action plans to the superintendent of the sending school unit. The rules must also include

COMMITTEE AMENDMENT

1 a requirement that the department send copies of letters of findings and corrective action
2 plans to the person in charge of special services for the receiving school;

3 4. A requirement that the sending school unit under review submit letters to the
4 department indicating the sending school unit has authorized the receiving school to
5 commit resources on behalf of the sending school unit and in furtherance of the sending
6 school unit's policies for child find and referral as set forth in federal law; and

7 5. A requirement that the sending school unit under review recognize its
8 responsibility for providing free appropriate public education and confirmation from the
9 sending school unit that it will work with the receiving school to correct any findings
10 outlined in letters of findings and corrective action plans.

11 Rules adopted pursuant to this section are major substantive rules as defined in the
12 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.'

13 **SUMMARY**

14 This amendment replaces the bill with a resolve. The amendment directs the
15 Department of Education to amend its rules governing special education to establish a
16 process for the department to review sending school units with respect to children with
17 disabilities who reside within the sending school unit who attend a receiving school.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1184

LR 760(02)

An Act Regarding Special Education Requirements for School Administrative Units That Do Not Operate Any Schools

Fiscal Note for Bill as Amended by Committee Amendment
Committee: Education and Cultural Affairs

A(H-399)

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 rulemaking process can be absorbed within existing budgeted resources.