

MAINE STATE LEGISLATURE

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SAR
ROS

L.D. 552

Date: 5/27/21 Majority

(Filing No. H-247)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE HOUSE OF REPRESENTATIVES 130TH LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 397, L.D. 552, "An Act To Strengthen the Individualized Education Program Process"

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

'Resolve, To Improve the Individualized Education Program Process'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Improvements to the individualized education program process.

Resolved: That the Department of Education shall amend Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to require parental consent in cases of a material change in services to, or a substantial change in the placement of, a student with a disability. The rules must require that parental consent be obtained any time a school administrative unit proposes a change in the special education services provided to a student that would result in placement in a different school, a move to a more restrictive setting within a school, placement on an abbreviated school day or the use of tutorial services to deliver instruction. The rules must clearly articulate methods of acquiring parental consent including options to address a lack of response from parents or guardians. The rules must also provide that education technicians and other educators with direct regular contact with the student may not be unreasonably denied participation at individualized education program team meetings if requested by the parent or guardian. Rules adopted pursuant to this section are major substantive rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be presented to the Joint Standing Committee on Education and Cultural Affairs no later than January 2, 2022.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, strikes the bill and replaces it with a resolve. It directs the Department of Education to amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to:

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 397, L.D. 552

1 1. Require parental consent in cases of a material change in services to, or a substantial
2 change in the placement of, a student with a disability;

3 2. Require that parental consent be obtained any time a school administrative unit
4 proposes a change in the special education services provided to a student that would result
5 in placement in a different school, a move to a more restrictive setting, placement on an
6 abbreviated school day or use of tutorial services to deliver instruction;

7 3. Include a clear articulation of methods of acquiring parental consent including
8 options to address a lack of response from a parent or guardian; and

9 4. Provide that education technicians and other educators with direct regular contact
10 with the student may not be unreasonably denied participation at an individualized
11 education program team meeting if requested by the parent or guardian.

12 These rules are major substantive rules and must be presented to the Joint Standing
13 Committee on Education and Cultural Affairs no later than January 2, 2022.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



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130th MAINE LEGISLATURE

LD 552

LR 857(02)

An Act To Strengthen the Individualized Education Program Process

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

A(H-247)

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.