

MAINE STATE LEGISLATURE

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L D 98

Date 6/5/23 Majority

(Filing No H-328)

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to H P 66, L D 98, "An Act to Update the Special Education Laws"

Amend the bill by striking out all of sections 1, 2 and 3 and inserting the following

'Sec. 1. 20-A MRSA §7001, sub-§1-B, ¶B, as amended by PL 2011, c 542, Pt A, §21, is further amended to read

B For children at least 3 years of age and under 20 22 years of age evaluated in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414, subsections (a) to (c) as measured by both standardized, norm-referenced diagnostic instruments and appropriate procedures with delays or impairments such that the children need special education.

(1) A child at least 3 years of age and under 6 years of age with a significant developmental delay, at the discretion of the intermediate educational unit or school administrative unit, as defined in rules adopted by the department, in one or more of the following areas cognitive development, physical development, including vision and hearing, communication development, social or emotional development, adaptive development, or

- (2) A child with at least one of the following
 - (a) Intellectual disability,
 - (b) ~~Hearing impairment, including deafness~~ Deafness, including hearing loss,
 - (c) Speech or language impairment,
 - (d) Visual impairment, including blindness,
 - (e) ~~Serious emotional disturbance~~ Emotional disability,
 - (f) Orthopedic impairment,
 - (g) Autism,
 - (h) Traumatic brain injury,

COMMITTEE AMENDMENT

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- (i) Other health impairment,
- (j) Specific learning disabilities,
- (k) ~~Deafness and blindness~~ Deaf-blindness, and
- (l) Multiple disabilities

Sec. 2. 20-A MRSA §7201, sub-§2-A, ¶B, as enacted by PL 2005, c 662, Pt A, §22, is amended to read

B Children with disabilities at least 3 years of age and under ~~20~~ 22 years of age, including children in public or private institutions or other care facilities, must be educated with children without disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment may occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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, removes the provisions of the bill regarding appropriate education and appropriate educational programming and updates the term "serious emotional disturbance" to "emotional disability"

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 98

LR 170(02)

An Act to Update the Special Education Laws

Fiscal Note for Bill as Amended by Committee Amendment *A (H-328)*
Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Current biennium cost increase - school administrative units

Fiscal Detail and Notes

Extending the age of eligibility for special education and for participation in career and technical education courses by adults who are enrolled in special education from under 20 years of age to under 22 years of age will increase the total cost of public education from kindergarten to grade 12 and the state's share of that cost. The fiscal impact will depend on the number of eligible students each year. Public Law 2021, chapter 17, Part C allocates \$375,000 in fiscal year 2023-24 to special education for an additional 20 students identified by the department through its student count data. Funding for the State's share of that cost in fiscal year 2024-25 is included in the General Fund appropriation approved for the General Purpose Aid for Local Schools program in chapter 17. Based on this information, no additional General Fund appropriations are provided in this bill. Separate from the costs mentioned above, the department was unable to estimate a cost for the additional career and technical education students due to the student count data by age group being unavailable.