

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

Sec. 1 Adoption. Resolved: That final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the provisionally adopted rule is amended as set out in this section.

1. The rule must be amended in Section VII by deleting the part of the rule designated "3. Determination of Adverse Effect for Children Three to Twenty" and by adding a definition for the term "adverse effect on educational performance" to comport with the definition that was recommended by a majority of the stakeholder group convened pursuant to Resolve 2007, chapter 138 to examine the federal and state rules and laws pertaining to the determination of adverse effect for children from 3 to 20 years of age and that is included in the stakeholder group's final report to the Commissioner of Education dated September 28, 2007.

2. The rule must be amended in Section VII by deleting the part of the rule designated "4. Needs special education and related services."

3. The rule must be amended in Section V in the part designated "1. Evaluations, Parental Consent, and Reevaluations" to establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation; and be it further

Sec. 2 Guidance on appropriate assessments. Resolved: That the Commissioner of Education shall provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, pertaining to the determination of adverse effect on educational performance for children from 3 to 20 years of age as set forth in the Department of Education Rule Chapter 101: Maine Unified Special Education Regulation as amended pursuant to section 1. The guidance provided to local educational agencies must explain the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability; and be it further

Sec. 3 Clarification of content of written notice. Resolved: That the Commissioner of Education shall provide guidance to school administrative units that clarifies the content of the written notice to be provided to the parents of a child with a disability as set forth in the Department of Education Rule Chapter 101: Maine Unified Special Education Regulation in "Appendix 1" in the part designated "Written Notice." The guidance provided to school administrative units must clarify that the contents of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education:

1. Amending the proposed rule by deleting the part of the rule pertaining to the determination of adverse effect for children 3 to 20 years of age and incorporating a definition for the term "adverse effect on educational performance" that comports with the definition that was recommended by a majority of the stakeholder group convened pursuant to Resolve 2007, chapter 138 to examine the federal and state rules and laws pertaining to the determination of adverse effect for children from 3 to 20 years of age;

2. Amending the proposed rule by deleting the part of the rule designated "4. Needs special education and related services"; and

3. Amending the proposed rule to establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation.

The amendment also directs the Commissioner of Education to:

1. Provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, that explains the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability when making a determination of adverse effect on educational performance for children from 3 to 20 years of age; and

2. Provide guidance to school administrative units clarifying that the content of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.

FISCAL NOTE REQUIRED

(See attached)