

Date:

(Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE HOUSE OF REPRESENTATIVES 128TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to H.P. 95, L.D. 127, “Resolve, Regarding
Legislative Review of Portions of Chapter 101: Maine Unified Special Education
Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education”

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 Birth to Age 20, 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 following changes are made to the provisionally
adopted major substantive rule.

The rule must be amended in Section VII.2.L(2), which concerns the determination
by the Individualized Educational Program Team, referred to in this resolve as "the IEP
Team," of the existence of a specific learning disability using a pattern of appropriate
assessments, by:

1. Inserting in Section VII.2.L(2)(a)(ii)(aa) the requirement that the general
education interventions under Section III of the rule must be included in the data
collected by the IEP Team when the team uses a process based on the child's response to
scientific, research-based intervention; and

2. Removing from Section VII.2.L(2)(a)(ii)(dd) the limitation that the psychological
processing data from standardized measures to identify contributing factors must be
considered only as available and as determined to be relevant by the child's IEP Team.

The Department of Education is not required to hold hearings or undertake further
proceedings prior to final adoption of the rule in accordance with this section.'

SUMMARY

This amendment provides that final adoption of portions of Chapter 101: Maine
Unified Special Education Regulation Birth to Age 20, a provisionally adopted major

1 substantive rule of the Department of Education, is authorized contingent upon the
2 department's making specified changes to the proposed rule.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**