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Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1273, L.D. 1724, “Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, 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 Twenty, 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:

- 1. The rule must be amended in Section II to replace the definition of pre-referral procedures with language defining general education intervention;
- 2. The rule must be amended in Section V, subsection 6, paragraph F so that the educational observations are not described as unrestricted;
- 3. The rule must be amended in Section VII, subsection 1, paragraph A, subparagraph (1) in the part concerning "Eligibility Criteria For Children B-2" to include the list of conditions in the definition of "infant or toddler with a disability" that is included in 34 Code of Federal Regulations, Section 303.21 but is not included in the provisionally adopted rule;
- 4. The rule must be amended in Section XI to amend the definition of the term health services to be consistent with the definition as amended in 34 Code of Federal Regulations, Section 303.16; and
- 5. The rule must be amended in Sections XI and XVIII so that reference is made to school psychologists instead of school psychological service providers; and be it further

**Sec. 2. Authorization. Resolved:** That final adoption of certain sections and the appendix of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education,

**COMMITTEE AMENDMENT**

1 that were submitted to the 125th Legislature for review in Legislative Document 1782,  
2 House Paper 1307, "Resolve, Regarding Legislative Review of Portions of Chapter 101:  
3 Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain  
4 Sections and the Appendix, a Major Substantive Rule of the Department of Education," to  
5 ensure that the Chapter 101 rule complies with changes in federal regulations pertaining  
6 to the Part C provisions of the federal Individuals with Disabilities Education Act, 20  
7 United States Code, Section 1400 et seq., as amended, is authorized.'

8

### **SUMMARY**

9 This amendment provides that final adoption of portions of Chapter 101: Maine  
10 Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted  
11 major substantive rule of the Department of Education, is authorized contingent upon the  
12 department's making specified changes to the proposed rule. The amendment also  
13 provides that final adoption of certain sections and the appendix of Chapter 101: Maine  
14 Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted  
15 major substantive rule of the Department of Education, that were submitted to the  
16 Legislature for review in Legislative Document 1782 to ensure that the Chapter 101 rule  
17 complies with changes in federal regulations pertaining to the Part C provisions of the  
18 federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400  
19 et seq., as amended, is authorized.

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### **FISCAL NOTE REQUIRED**

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**(See attached)**