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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

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT “ ” to H.P. 95, L.D. 127

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

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FISCAL NOTE REQUIRED

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(See attached)