

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

Amend the amendment by inserting after the first indented paragraph after the title the following:

**Sec. '**

Amend the amendment in section 1 by striking out all of subsection 1 (page 1, lines 20 to 33 in amendment) and inserting the following:

'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";'

Amend the amendment in section 1 in subsection 5 in the 4th line (page 2, line 17 in amendment) by striking out the following: "2 years" and inserting the following: '4 years'

Amend the amendment in section 1 by renumbering all of the subsections to read consecutively

Amend the amendment by inserting after section 1 the following:

**Sec. B-1 Stakeholder group review of adverse effect. Resolved:** That the Commissioner of Education shall convene a stakeholder group 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 be it further

**Sec. B-2 Stakeholder group membership. Resolved:** That the stakeholder group consists of 21 members appointed as set out in this section:

1. Two members who are parents of children with disabilities from birth to 6 years of age and who have knowledge of or experience with programs for children with disabilities, appointed by the Maine Parent Federation, Inc.;

2. Two members who are parents of children with disabilities between 6 years of age and 20 years of age and who have knowledge of or experience with programs for children with disabilities, appointed by the Maine Parent Federation, Inc.;

3. One member who is a director of a Child Development Services System regional site, appointed by the Child Development Services System Site Directors Council;

4. Two members who are special education directors, appointed by the Executive Director of the Maine Administrators of Services for Children with Disabilities;

5. Two members who are certified special education teachers in a public elementary or secondary school, appointed by the Executive Director of the Maine Education Association;

6. One member who is a principal of a public elementary or secondary school and who has knowledge of or experience with programs for children with disabilities, appointed by the Executive Director of the Maine Principals' Association;

7. One member who serves as a superintendent of a school administrative unit and who has knowledge of or experience with programs for children with disabilities, appointed by the Executive Director of the Maine School Superintendents Association;

8. One member who is a provider of related services, appointed jointly by the professional associations that represent speech therapists, occupational therapists and physical therapists;

9. One member who is an individual with a disability, appointed by the Executive Director of the Disability Rights Center;

10. One member who is a representative on the Maine Advisory Council for the Education of Children with Disabilities, appointed by the chair of the Maine Advisory Council for the Education of Children with Disabilities;

11. One member representing the Disability Rights Center, appointed by the Executive Director of the Disability Rights Center;

12. One member representing Pine Tree Legal Assistance, appointed by the Board of Directors of Pine Tree Legal Assistance;

13. One member representing the Maine Developmental Disabilities Council, appointed by the Executive Committee of the Maine Developmental Disabilities Council;

14. One member representing the Learning Disabilities Association of Maine, appointed by the Executive Director of the Learning Disabilities Association of Maine;

15. One member representing the Autism Society of Maine, appointed by the Executive Director of the Autism Society of Maine;

16. One member representing the Maine Children's Alliance, appointed by the Executive Director of the Maine Children's Alliance; and

17. One member representing the Department of Education, appointed by the Commissioner of Education; and be it further

**Sec. B-3 Chair. Resolved:** That the stakeholder group shall appoint a chair from among its members; and be it further

**Sec. B-4 Appointments; convening of stakeholder group. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Commissioner of Education of the names of and contact information for the stakeholder group members once all appointments have been completed. Within 15 days after appointment of all members, the Commissioner of Education shall call and convene the first meeting of the stakeholder group and shall notify the stakeholder group members of the appointments to the stakeholder group and the agenda for the organizational meeting of the stakeholder group; and be it further

**Sec. B-5 Duties. Resolved:** That the stakeholder group shall examine the portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty," the provisionally adopted rule submitted for legislative review during the First Regular Session of the 123rd Legislature by the Department of Education, that pertain to the determination of adverse effect and shall develop

recommendations to the Commissioner of Education regarding any necessary changes to the Chapter 101 rules regarding the determination of adverse effect. In completing this task, the stakeholder group shall make every effort to avoid duplicating work already completed by the Task Force on Eligibility convened by the State Board of Education; and be it further

**Sec. B-6 Technical assistance; facilitator. Resolved:** That the Department of Education shall provide necessary staffing services to the stakeholder group including funding for an independent facilitator. Meetings of the stakeholder group must be moderated by the independent facilitator. The facilitator selected may not have a pecuniary or other vested interest in the outcome of the matters being reviewed and must certify to the Commissioner of Education and the members of the stakeholder group that the facilitator has no pecuniary or other vested interest in the outcome of the review. Such certification must be made in the manner prescribed jointly by the Commissioner of Education and the members of the stakeholder group; and be it further

**Sec. B-7 Meetings. Resolved:** That the stakeholder group shall hold up to 5 meetings, including the organizational meeting convened by the Commissioner of Education. The agenda for the organizational meeting of the stakeholder group must include:

1. Selection of a chair;
2. Selection of an independent facilitator;
3. Development of a work plan; and
4. Scheduling of not more than 4 additional meetings; and be it further

**Sec. B-8 Report. Resolved:** That the stakeholder group shall submit a report that includes its findings and recommendations, including suggested revisions for those portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty" that pertain to the determination of adverse effect, to the Commissioner of Education no later than September 28, 2007; and be it further

**Sec. B-9 Adoption of rules. Resolved:** That the Commissioner of Education is authorized to submit provisionally adopted, emergency major substantive rules for those portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty" that pertain to the determination of adverse effect for legislative review in the Second Regular Session of the 123rd Legislature. The rules provisionally adopted by the Commissioner of Education pursuant to this section must expressly consider and address the recommendations contained in the report of the stakeholder group submitted under section 8.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment removes the requirements proposed in the committee amendment that the rule be amended to establish a definition of the term "educational performance," to define certain other phrases with reference to the federal regulations and to identify what is necessary for documenting intervention

strategies. It requires that the rule be amended by deleting the part of the rule relating to the determination of adverse effect for children 3 to 20.

The amendment changes the timeline for filing a due process hearing request for either a state or federal cause of action under the federal Individuals with Disabilities Education Act from 2 years to 4 years.

The amendment also directs the Commissioner of Education to establish a stakeholder group to examine the portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty," the provisionally adopted rule submitted for legislative review during the First Regular Session of the 123rd Legislature by the Department of Education, that pertain to the determination of adverse effect and to develop recommendations to the Commissioner of Education regarding any necessary changes to the Chapter 101 rules.