



## HOUSE OF REPRESENTATIVES

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*Testimony of Representative Michael Brennan presenting*  
**LD 98, An Act to Update the Special Education Laws**  
*Before the Joint Standing Committee on Education and Cultural Affairs*

Dear Senator Rafferty and honorable members of the Joint Standing Committee on Education and Cultural Affairs:

Today I am introducing a bill for the Department of Education, ***LD 98, An Act to Update the Special Education Laws.***

This bill clarifies that providing equal opportunities for education for children with disabilities means providing equal opportunities for an appropriate education. The bill changes the age of eligibility for special education and for participation in career and technical education courses by adults who are enrolled in special education from under 20 to under 22. The bill also updates some terms to reflect current practice and language.

There is an amendment to this bill that includes a language change for the term “serious emotional disturbance” to “emotionally disabled.”

The Department of Education will present testimony on this bill and I respectfully request that you defer any specific questions regarding the content to them. I look forward to working with you as the Committee deliberates the bill.

Thank you for your consideration of this bill.

Proposed Amendment  
LD 98 An Act to Update The Special Education Laws  
Sponsor: Representative Brennan

**Amend sections 1 and 6 of the bill as follows (amendments *highlighted and italicized*):**

**Sec. 1. 20-A MRS §7001, sub-§1-B, ¶B**, as amended by PL 2011, c. 542, Pt. A, §21, is further amended to read:

B. For children at least 3 years of age and under 20 22 years of age evaluated in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414, subsections (a) to (c) as measured by both standardized, norm-referenced diagnostic instruments and appropriate procedures with delays or impairments such that the children need special education:

(1) A child at least 3 years of age and under 6 years of age with a significant developmental delay, at the discretion of the intermediate educational unit or school administrative unit, as defined in rules adopted by the department, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; adaptive development; or

(2) A child with at least one of the following:

- (a) Intellectual disability;
- (b) ~~Hearing impairment, including deafness~~ Deafness, including hearing loss;
- (c) Speech or language impairment;
- (d) Visual impairment, including blindness;
- (e) ~~Serious emotional disturbance~~; emotional disability;
- (f) Orthopedic impairment;
- (g) Autism;
- (h) Traumatic brain injury;
- (i) Other health impairment;
- (j) Specific learning disabilities;
- (k) ~~Deafness and blindness~~ Deaf-blindness; and
- (l) Multiple disabilities.

**Sec. 6. 20-A MRS §7258, sub-§1-A**, as amended by PL 2011, c. 542, Pt. A, §22, 26 is further amended to read:

**1-A. Care manager.** Within 2 years before the date that a student with an intellectual disability, ~~serious emotional disturbance~~ emotional disability or other developmental disabilities will graduate or finish school, the Department of Health and Human Services, in consultation with the ~~pupil evaluation~~ individualized education program team of the school administrative unit, shall designate a case manager to participate in transition planning for that student. The case manager shall convene an adult services transition team, ensure interagency coordination and access to adult services, serve as a single contact person for the student transitioning into the adult services and attend ~~pupil evaluation~~ individualized education program team meetings or provide relevant information to the ~~pupil evaluation~~ individualized education program team for transition planning purposes.

#### SUMMARY

This proposed amendment replaces the term “serious emotional disturbance” with “emotional disability.”