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## **Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** pursuant to 20 United States Code, Section 1400, et seq., as found in 34 Code of Federal Regulations, Part 300, the Department of Education needs to adopt rules that are aligned with the federal regulations that implement the Individuals with Disabilities Education Act in a timely manner; and

**Whereas,** regulations affecting the education of children with disabilities have a significant effect on the lives of these children and on the State as a whole and are therefore worthy of thoughtful public disclosure; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1 Limitation. Resolved:** That, during the 123rd Legislature, the Department of Education shall limit the proposed rules it submits to the Joint Standing Committee on Education and Cultural Affairs regarding special education eligibility for children 6 years of age or older and under 21 years of age to those necessary to align state rules with federal regulations; and be it further

**Sec. 2 Eligibility standards. Resolved:** That the Department of Education may not attempt rulemaking on the matter of eligibility standards for special education regarding children with disabilities for children 6 years of age or older and under 21 years of age; and be it further

**Sec. 3 Report. Resolved:** That the Department of Education shall file a report with the Legislature by December 30, 2007 with data indicating the impact on eligibility rates, disaggregated by age, disability category, gender and geographic region, of any proposed changes to the eligibility standards for special education.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

### **SUMMARY**

This resolve directs the Department of Education to limit the proposed rules it submits to the Joint Standing Committee on Education and Cultural Affairs regarding special education for children 6 years of age or older and under 21 years of age to those necessary to align state rules with federal regulations. The department shall file a report by December 30, 2007.