revised 8-2019

Rulemaking Fact Sheet

*(5 MRSA §8057-A)*

AGENCY: Maine Department of Education

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

Chapter 101: Maine Unified Special Education Regulation Birth to Age 20

TYPE OF RULE *(check one)*:  Routine Technical  Major Substantive x Emergency

STATUTORY AUTHORITY: 20-A §7005(1); §8054

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A

COMMENT DEADLINE: June 26, 2023

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The Department of Education has identified a barrier to its obligation pursuant to the Individuals with Disabilities Education Act (IDEA) and the Maine Unified Special Education Regulation (MUSER) to ensure the provision of a free, appropriate public education (FAPE) to all eligible students including the availability of a continuum of educational placements.  The current funding structure outlined in Section XVIII.3.C(2) of MUSER for private schools that serve exclusively students with disabilities (referred to throughout as “special purpose private schools”) is causing those schools to limit or cease operations, leaving some of Maine’s most significantlyimpacted children without the educational placements they are entitled to by law.   Further breakdown of this critical component of the continuum of educational placements will leave the State unable to maintain compliance with IDEA and MUSER.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)] None

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| ***FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:***  ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:  [*see* §8057-A(2)(A)]      INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]        BENEFITS OF THE RULE: [*see* §8057-A(2)(C)] |

*Note: If necessary, additional pages may be used.*