

# MAINE STATE LEGISLATURE

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## CHAPTER 403

**PHYSICALLY HANDICAPPED OR EXCEPTIONAL CHILDREN**

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**§ 3111. Purpose**

It is declared to be the policy of the State to provide, within practical limits, equal educational opportunities for all children in Maine able to benefit from an instructional program approved by the state board. The purpose of this chapter is to provide educational facilities, services and equipment for all handicapped or exceptional children below 21 years of age who cannot be adequately taught with safety and benefit in the regular public school classes of normal children or who can attend regular classes beneficially if special services are provided. Special classes in public schools are to include educable children only.

1955, c. 467, § 1; 1959, c. 348, § 1.

**§ 3112. Definitions**

**1. Handicapped or exceptional child.** "Handicapped or exceptional child" shall mean any child under 21 years of age able to benefit from an instructional program approved by the state board whose parents or guardian maintains a home for his family in any administrative unit within the State, and whose educational needs cannot be adequately provided for through the usual facilities and services of the public schools, because of the physical or mental deviations of such child.

**2. Special services.** "Special services" shall be transportation; tutoring; corrective teaching, such as speech reading, speech correction, sight conservation and similar forms of instruc-

tion; and provision of special seats, books and teaching supplies and equipment required for the instruction of handicapped or exceptional children.

1955, c. 467, § 1; 1957, c. 364, § 83; 1959, c. 348, § 2.

### § 3113. Administration

The general supervision of the education of all children of school age in the State, including handicapped or exceptional children, is the responsibility of the commissioner. He shall employ a director and such qualified personnel as may be needed for consultant service and to develop, inspect, approve and supervise a program of special education for handicapped or exceptional children. The commissioner, with the approval of the state board, shall make necessary rules and regulations for the proper administration of this chapter. The department is authorized to receive contributions and donations to be used in conjunction with appropriations made to carry out the provisions and requirements of this chapter. The department is designated as the agency for cooperation with the Federal Government in any program for the education of handicapped or exceptional children.

1955, c. 467, § 1.

### § 3114. Instruction

The commissioner may approve the attendance of handicapped or exceptional children at special schools such as the Governor Baxter State School for the Deaf, Pineland Hospital and Training Center and Perkins Institute for the Blind in Watertown, Massachusetts, or at such other schools or institutions as he may designate. He may approve education at either the elementary or secondary level for handicapped or exceptional children through home instruction, hospital instruction or special services.

1955, c. 467, § 1; 1957, c. 21, § 2; c. 379.

### § 3115. Appropriation

Appropriations made under this chapter and subsequent appropriations made for this service are to be used to pay administrative units or institutions designated by the commissioner, for the cost of such special education over and above the average per capita cost for the preceding fiscal year of educating normal children in the respective administrative units. This subsidy shall be paid according to regulations formulated by the commissioner to

permit adequate instruction and to prevent unnecessary use of state funds. These appropriations may be used for administrative costs, to conduct centers for study and guidance of children and for counselling with their parents and teachers, to engage specialists, to make expenditures to institutions and organizations for the training of deaf children who have not become of compulsory school age, to train teachers and for any other purposes approved by the state board as being necessary to carry out the purpose of this chapter.

1955, c. 467, § 1; 1957, c. 364, § 84; 1961, c. 255.

### § 3116. Responsibility of administrative units

Every administrative unit is responsible for appropriating sufficient funds to provide at least the same per capita expenditure for the education of handicapped or exceptional children as is provided for the education of normal children. This appropriation is to be expended for programs of special education at either the elementary or secondary level under the supervision of the superintending school committee or school directors or for other programs approved by the commissioner.

1955, c. 467, § 1; 1957, c. 364, § 85.

### § 3117. Procedures

A class for 8 or more handicapped or exceptional children may be established in any public school, or under any other plan, provided it is approved as to requirements for admission, teacher preparation, plan of instruction, necessary facilities and supervision. In administrative units where there are too few handicapped or exceptional children to make the organization of a special class feasible, such children may be entered in a special class in another administrative unit. Other programs consistent with the purpose of this chapter may be developed with the approval of the commissioner.

1955, c. 467, § 1; 1957, c. 364, § 86.

### § 3118. Reports

The superintendent of schools and the director of any institution eligible to receive subsidy under this chapter shall keep an accurate account of all moneys paid out for the maintenance of special classes, for special instruction and for special transportation, and shall report the same on forms provided for the purpose.

The superintendents of schools and directors of institutions shall report annually on forms provided by the department all children who are physically or mentally handicapped, whether they are attending school or have been excused or excluded from school.

1955, c. 467, § 1.

**§ 3119. Teacher preparation**

It shall be the duty of the commissioner to see to it that suitable provision is made for the education of teachers and school administrators to meet the educational needs of handicapped or exceptional children. As funds may be made available for the purpose, he shall provide in one or more of the teachers' colleges courses of instruction and such special services for handicapped or exceptional children as will provide the necessary practical training and the demonstrations necessary for this professional training.

1955, c. 467, § 1.