

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

November 7, 1950

To Harland A. Ladd, Commissioner of Education  
Re: Hyde Memorial Home—Subsidies

You have asked this office for an opinion as to whether or not, under the provisions of Sections 180-A to 180-I, inclusive, of Chapter 37 of the Revised Statutes, as amended by Chapter 149 of the Laws of 1945, the State Department of Education can grant subsidies on an individual pupil basis for the education of physically handicapped children confined in and being treated in the Hyde Memorial Home, an institution for the treatment of crippled, cerebral palsied, and otherwise physically handicapped children.

I am informed that this institution currently maintains, and has for some time in the past, a school meeting the qualifications and standards of the State Department of Education for elementary school children and that the school is under the direction of a teacher qualified and certified by the State Department of Education, having specialized training and qualifications for the instruction of physically handicapped children not required of the ordinary classroom teacher.

I am further informed that all the required reports as to attendance of pupils are required from this school and are furnished by this school, and that it is under the regular supervision of the State Department of Education by and through its Division of Special Education.

The question involved is whether, under the provisions of the last sentence of Section 180-D, such subsidies may be made directly to the institution or whether the subsidies may only be made under the provisions of Sections 180-E and 180-G, setting forth the procedure with respect to the reimbursement of towns for the costs of such services for physically handicapped children.

As I read Sections 180-E and 180-G, it is my opinion that these sections apply strictly to those towns which, pursuant to the request of parents therein of five or more physically handicapped children, have instituted town programs for the education of such children as a part of the towns' regular school programs.

The last sentence of Section 180-D authorizes subsidies to institutions in which there are maintained Department of Education approved schools providing educational programs for physically handicapped children, not as a part of a town-maintained school program, so that under rules and regulations established by the Department's Division of Special Education the State subsidies may be made directly to the approved institutions.

This opinion should not be construed as relieving any town from its obligation to pay its per capita cost charged for the school services provided for a child chargeable to that town while such child is attending school in the approved institution.

RALPH W. FARRIS  
Attorney General