

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 813

H. P. 625

House of Representatives, February 13, 1969

Referred to Committee on Education. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Richardson of Stonington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Permit Public School Education of All Handicapped or Exceptional Children.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 20, § 3111, amended. The last sentence of section 3111 of Title 20 of the Revised Statutes is repealed, as follows:

~~Special classes in public schools are to include educable children only.~~

STATEMENT OF FACTS

The last sentence of Section 3111 restricts the educational opportunities in Maine public schools to educable (mildly retarded) handicapped or exceptional children. Yet, "It is declared to be the policy of the state to provide, within practical limits, equal educational opportunities for all children in Maine". To meet the responsibilities declared in the first sentence of Section 3111 it is provided that "Every administrative unit is responsible for appropriating sufficient funds to provide for the education of handicapped or exceptional children". This responsibility is thus expressed, irrespective of his mental or physical condition or degree thereof by Section 3116.

Under these conditions, educational opportunities for trainable (moderately retarded) children are necessarily administered privately by organizations such as Associations for Retarded Children, to whom the sending local school administration unit pays "the actual per pupil cost incurred in the operation of the program" (Section 3117).

Removal of the last sentence of Section 3111 will, without any increase in cost to either the State of Maine or its local school administrative units, permit progressive school administrators to create strong, innovative, and imaginative programs for moderately retarded children. By permitting and encouraging that such programs be created, the Associations for Retarded Children would be relieved of school operating responsibilities and allowed to direct their energies toward development of other critically needed community services for the retarded.