

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2005

H. P. 1934

Office of the Clerk of the House

The Committee on Education suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children.

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

Sec. 1. 20 MRSA Pt. 5, First 4 lines are repealed and the following enacted in their place:

**PART 5
EDUCATION AND REHABILITATION OF
DISABLED, HANDICAPPED, GIFTED
AND TALENTED PERSONS**

Sec. 2. 20 MRSA c. 409 is enacted to read:

**CHAPTER 409
GIFTED AND TALENTED CHILDREN**

§ 3301. Purpose

The Legislature recognizes that gifted and talented children, who comprise approximately the top 3% to 5% of Maine's school age youths, require differentiated education programs and services beyond those normally provided by the regular school program in order to realize their contribution to themselves and to society.

§ 3002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings:

1. **Gifted and talented child.** “Gifted and talented child” means a person between 5 and 18 years of age who has been identified by professionally qualified persons as being capable of high performance.

2. **High performance.** “High performance” means excelling in one or more of the following categories:

A. **General intellectual ability,** that is, that mental capacity to learn which can be measured by an intelligence quotient test;

B. **Specific academic aptitude,** that is, the ability to perform well in a particular academic area or areas;

C. **Creative or productive thinking,** that is, advanced insight, outstanding imagination, intense interest in one or more fields of achievement, innovative or creative reasoning ability, ability to problem solve and produce original or creative ideas;

D. **Leadership,** that is, the ability which causes others to follow and take direction, which may be identified subjectively and may be demonstrated through activities such as student government and various nonacademic and social activities;

E. **Visual and performing arts,** that is, outstanding ability demonstrated or indicated through affective as well as cognitive performance in areas such as art, dance, music, drama, speech and language; and

F. **Psychomotor ability,** that is, high ability or attainment in the gross or fine manipulative activities exclusive of athletics, manifesting itself in skills such as, computer programming, typing, computer operation, sculpturing, mechanics and medicine.

§ 3303. Testing for gifted and talented children

“Gifted and talented” is a category of referral for which school administrative units may test through the special education screening and identification procedure.

§ 3304. Grants to school administrative units.

The department may, from funds available to it, make grants of funds for one fiscal year to school administrative units to enable those units to undertake identification of gifted and talented children and to undertake special educational programs for those children.

1. **Guidelines for the identification of gifted and talented children.** The department shall promulgate guidelines for the identification of gifted and talented children and for special educational programs for those children. In addition, the department may provide technical assistance to school administrative units for the identification of gifted and talented children and for planning for special education programs for those children.

2. **Programs of identification and special education.** Any school administrative unit desiring funds to undertake identification of gifted and talented children and to undertake a special program for those children shall develop, in accordance with state guidelines, a proposed program of identification and special education of gifted and talented children in that unit.

The unit shall, on or before February 1st of each year, submit to the Division of Special Education, Department of Educational and Cultural Services, its proposed program of identification and special education. The division shall, by May 15th of each year, notify those school administrative units whose proposals have been funded of the award of funding for the following fiscal year.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act:

		1978-79
EDUCATIONAL AND CULTURAL SERVICES,		
DEPARTMENT OF		
Division of Special Education		
Personal Services	(2)	\$19,000
All Other		102,000
Capital Expenditures		1,000

Total		\$122,000

Any balances remaining in this account at the end of the fiscal year shall not lapse, but shall be carried forward to the next fiscal year to be spent for the purposes of this Act.

STATEMENT OF FACT

While many categories of Maine school pupils have educational programs tailored to their needs, there is one category of pupil, the gifted and talented child, whose special needs have been largely ignored.

This bill will provide assistance and limited funding to school administrative units for identifying gifted and talented children and for providing special educational programs for those children.