

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 449

H.P. 350 House of Representatives, February 20, 1987
Reported by Representative BOST for the Joint Select
Committee for Learning Disabled Children pursuant to Resolve
1985, Chapter 43.

Reference to the Committee on Education suggested and
printing ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Implement the Recommendations of
2 the Joint Select Committee for
3 Learning Disabled Children.
4

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

7 Sec. 1. 20-A MRSA §4502, sub-§5, ¶K, as enacted
8 by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to
9 read:

10 K. School improvement; and

11 Sec. 2. 20-A MRSA §4502, sub-§5, ¶L, as amended
12 by PL 1985, c. 774, §§4 and 11, is further amended to
13 read:

1 L. Prepare and implement an on-going school im-
2 provement process and annually update a written
3 school improvement plan, including a fully devel-
4 oped staff development plan and a plan addressing
5 truants, dropouts, alternative education, preven-
6 tion of truancy and return to school, citing
7 progress and trends with respect to school im-
8 provement-; and

9 Sec. 3. 20-A MRSA §4502, sub-§5, ¶M is enacted
10 to read:

11 M. Development and implementation of a plan uti-
12 lizing a team approach within the school to ad-
13 dress the needs of problem learners prior to re-
14 ferred for special education services.

15 Sec. 4. 20-A MRSA §7202, sub-§§4 and 5, as en-
16 acted by PL 1981, c. 693, §§5 and 8, are amended to
17 read:

18 4. Plan. Submit a plan for its special educa-
19 tion programs to the commissioner for approval in ac-
20 cordance with rules established by the commissioner
21 showing how appropriate special education programs
22 are to be provided to exceptional students;

23 5. Special education services. Provide
24 appropriate special education services for each ex-
25 ceptional student within its jurisdiction, including
26 the provision of staff with background and training
27 in special education issues;

28 Sec. 5. 20-A MRSA §7202, sub-§7-A is enacted to
29 read:

30 7-A. Administrator on evaluation team. Assure
31 that a building level administrator be present at
32 each team meeting to evaluate and develop an appro-
33 priate education program for a student with special
34 education needs;

35 Sec. 6. 20-A MRSA §7204, sub-§4, as enacted by
36 PL 1981, c. 693, §§5 and 8, is repealed.

37 Sec. 7. 20-A MRSA §7204, sub-§§4-A and 4-B are
38 enacted to read:

1 4-A. Program approval. Shall approve plans for
2 all special education programs. The criteria for ap-
3 proval include:

4 A. Identification, evaluation and placement pro-
5 cedures, including makeup of the team evaluating
6 a student for special education services;

7 B. Qualifications of staff, including appropri-
8 ateness of teacher certification to the student
9 population served;

10 C. Plan for instruction, including the require-
11 ment that only students with similar academic and
12 behavioral needs and abilities be served in the
13 same program;

14 D. Periodic screening to assess student progress
15 within the program;

16 E. Adequacy of facilities;

17 F. Adequacy of support services;

18 G. Professional supervision; and

19 H. Student-teacher and caseload ratios;

20 4-B. Program review. Shall review all special
21 education programs on a regular basis. Programs not
22 meeting the program approval criteria of subsection
23 4-A and rules promulgated under that subsection shall
24 be allowed a reasonable amount of time to comply. A
25 schedule for frequency of review of programs not
26 meeting approval criteria shall be established by de-
27 partment rule. The frequency of review shall be based
28 on the type and severity of the violation;

29 Sec. 8. 20-A MRSA §10902, sub-§17, as amended by
30 PL 1985, c. 779, §48, is further amended to read:

31 17. Uniform course descriptions. To provide for
32 a uniform system of course descriptions for equiva-
33 lent courses between the various units of the Univer-
34 sity of Maine System; and

35 Sec. 9. 20-A MRSA §10902, sub-§18, as enacted by
36 PL 1983, c. 806, §80, is amended to read:

1 18. Aid to Families with Dependent Children recipients. To develop programs with the goal of enabling recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will assist them to compete for employment which can eliminate their dependency on public assistance; and

7 Sec. 10. 20-A MRSA §10902, sub-§19 is enacted to
8 read:

9 19. Admission requirements for learning disabled students. To prohibit public institutions of higher education, including campuses of the University of Maine System, the Maine Maritime Academy and vocational-technical institutes, from requiring a person identified as learning disabled, as provided in chapters 301 and 303 and rules promulgated under those chapters, or equivalent procedures, to take any standardized test in order to gain admission to that institution.

19 Sec. 11. Effective date. Sections 1 to 3 of this
20 Act shall take effect August 1, 1988.

21 Sec. 12. Department of Educational and Cultural
22 Services to conduct studies. The Department of Educational and Cultural Services, in consultation with the State Board of Education, appropriate University of Maine officials and other interested persons, shall conduct the following studies:

27 A. Study the issue of maximum caseload and
28 student-teacher ratios and adequate clerical assistance for special education teachers. That
29 study shall address the need for lower caseload and student-teacher ratios for resource room
30 teachers and for speech and language clinicians and innovative approaches to provide additional
31 clerical assistance to special education teachers. The department shall report its findings to
32 the Joint Standing Committee on Education in January, 1988; and

38 B. Study the need for an expanded school year
39 for teachers. The study should assess the need for expanding the school year for appropriate
40 staff in-service training, including training on
41

1 special education issues. If found necessary, the
2 study should suggest ways of achieving and fi-
3 nancing the expansion and necessary implementing
4 legislation. The department shall report its
5 findings to the Joint Standing Committee on Edu-
6 cation in January, 1988.

7 Sec. 13. Department of Educational and Cultural
8 Services to provide technical assistance, guidelines
9 and training. In order to assist school administra-
10 tive units in carrying out their responsibilities un-
11 der special education laws and rules, the department,
12 in consultation with the State Board of Education,
13 appropriate University of Maine officials and other
14 interested persons, shall:

15 A. Develop training materials designed to pro-
16 vide basic competencies for conditionally certi-
17 fied special education teachers to allow them to
18 function professionally in their classrooms.
19 Those training materials should take into account
20 recent innovations in technologies to facilitate
21 training in rural areas;

22 B. Establish comprehensive statewide guidelines
23 for the proper development and implementation of
24 identification and evaluation programs. Those
25 guidelines shall be provided to school principals
26 and special education directors with instructions
27 on how they may be used to monitor and advise
28 teachers in providing educational programs in ac-
29 cordance with the identification and evaluation
30 program. The Department of Educational and Cul-
31 tural Services shall also institute a training
32 program for school administrative units on iden-
33 tification and evaluation program development
34 programs and implementation;

35 C. Develop guidelines for development of plans
36 by school administrative units for the transition
37 of learning disabled students from school to
38 adult life;

39 D. Develop a public service announcement to pro-
40 vide information to parents of students with
41 learning disabilities on their rights and the
42 availability of support and advocacy services;

1 E. Develop an informational brochure to be dis-
2 seminated as a follow-up to responses to the pub-
3 lic service announcement. The brochure would in-
4 clude a general description of learning disabili-
5 ties and of the support and advocacy services
6 available, including names, addresses and phone
7 numbers of contact persons; and

8 F. Undertake a public educational effort to in-
9 form the general public, including school offi-
10 cials and student bodies as to what special edu-
11 cation is and why it is important to the whole
12 community.

13 STATEMENT OF FACT

14 This bill is the result of a study of the educa-
15 tional needs of learning disabled children conducted
16 by the Joint Select Committee for Learning Disabled
17 Students. The joint select committee was established
18 by Resolve 1985, chapter 43. Committee findings and
19 recommendations are discussed in detail in its final
20 report issued in December, 1986. The report covers
21 identification and evaluation, programs and services
22 and personnel training and certification issues.

23 The bill adds a new provision to existing basic
24 school approval requirements. The State Board of Edu-
25 cation and the commissioner would be required to
26 adopt minimum standards which school administrative
27 units would be required to comply with regarding the
28 development and implementation of a school plan using
29 a team approach to identify and serve the needs of
30 problem learners before they are referred to special
31 education programs. This is patterned after an ap-
32 proach which has been tested nationally. It is de-
33 signed to meet the educational needs of students who
34 have learning problems, but who are not learning dis-
35 abled and to do so within the regular classroom. Such
36 an approach is less costly than providing special ed-
37 ucation services, will not stigmatize the student in-
38 volved and will free up special education services to
39 students who truly need them.

1 The bill amends the duties of school administra-
2 tive units with respect to special education pro-
3 grams. School units would be required to show, in the
4 special education plan already required, how appro-
5 priate educational programs are to be provided to
6 special education students; provide staff with back-
7 ground and training in special education; and assure
8 that a building level administrator be present at
9 each pupil evaluation team meeting.

10 The bill expands the criteria to be used by the
11 commissioner in approving special education programs
12 to include identification, evaluation and placement
13 procedures; consideration of the appropriateness of
14 the certification of special education teachers to
15 the student population served; requiring that only
16 students with similar academic and behavioral needs
17 and abilities be served in a program; and requiring
18 periodic screening to assess student progress. The
19 bill establishes a procedure for review of special
20 education programs by the department.

21 The bill prohibits public institutions of higher
22 education from requiring a person identified as
23 learning disabled to take standardized tests in order
24 to gain admission.

25 The bill requires the department, in conjunction
26 with the State Board of Education and the university,
27 to conduct related studies and report to the Joint
28 Standing Committee on Education in January, 1988.

29 The bill requires the department, in conjunction
30 with the State Board of Education and the university,
31 to provide technical assistance, develop guidelines
32 and offer training programs to assist school adminis-
33 trative units in carrying out their special education
34 responsibilities.

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