

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 675

H.P. 495

House of Representatives, March 7, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HANDY of Lewiston.

Cosponsored by Representative RUHLIN of Brewer, Representative JOSEPH of Waterville and Senator GAUVREAU of Androscoggin.

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STATE OF MAINE

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

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An Act to Assure an Appropriate Education for Blind Students.

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

3 **Sec. 1. 20-A MRSA §7204, sub-§4, ¶G, as enacted by PL 1981, c.**  
5 683, §§5 and 8, is amended to read:

7 G. Teacher-student ratio;

9 **Sec. 2. 20-A MRSA §7204, sub-§5, ¶B, as enacted by PL 1981, c.**  
11 693, §§5 and 8, is amended to read:

13 B. Inform and train each school administrative unit on  
15 exceptional students' rights to due process under state laws  
17 and rules and federal law and regulations; and

19 **Sec. 3. 20-A MRSA §7204, sub-§6, as enacted by PL 1981, c.**  
21 693, §§5 and 8, is amended to read:

23 6. Technical assistance. May, on the request of a school  
25 administrative unit, provide technical assistance in the  
27 formulation of a plan or subsequent report required of all  
29 administrative units. Assistance shall not be designed to  
31 transfer the responsibility for or actual development of the plan  
33 or report; and

35 **Sec. 4. 20-A MRSA §7204, sub-§7 is enacted to read:**

37 7. Services for visually impaired students. Shall provide  
39 or arrange for the following services for blind or visually  
41 impaired students:

43 A. Itinerant teacher services;

45 B. Mobility instruction;

47 C. Braille instruction;

49 D. Low-vision services;

51 E. Special aids and supplies needed to participate in the  
53 educational process; and

55 F. Advocacy, counseling and guidance services to students  
57 and their parents.

59 Nothing in this subsection relieves school administrative units  
61 from fulfilling their responsibilities under this Part.

63 **Sec. 5. 22 MRSA §3502, as repealed and replaced by PL 1983,**  
65 c. 353, §1, is repealed.

67 **Sec. 6. Transition provision. The following transition**  
69 **provisions shall apply on the effective date of this Act.**

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3       **1. Funds transferred.** Notwithstanding the Maine Revised  
5       Statutes, Title 5, sections 1585 and 1586, all accrued  
7       expenditures, assets, liabilities, balances or allocations,  
9       transfers, revenues or other available funds in any account or  
11       subdivision of an account of the Department of Human Services,  
13       Division of Eye Care, which exists for the purpose of providing  
15       educational services to blind or visually impaired students shall  
17       be reallocated to the Department of Educational and Cultural  
19       Services, Division of Special Education.

21       **2. Rules and procedures.** All rules and procedures  
23       currently in effect pertaining to the Division of Eye Care which  
25       govern the educational services to blind or visually impaired  
27       children shall remain in effect until rescinded or amended by the  
29       Commissioner of Educational and Cultural Services.

31       **3. Equipment and property transferred.** All equipment and  
33       property of the State used by employees and officials of the  
35       Division of Eye Care within the Department of Human Services for  
37       educational services to blind or visually impaired children shall  
39       be transferred to the Division of Special Education within the  
41       Department of Educational and Cultural Services to be used to  
43       carry out the purposes of this Act.

45       **4. Contracts and agreements.** All contracts and agreements  
47       currently in effect with the Division of Eye Care related to  
educational services to blind or visually impaired children shall  
remain in effect following the effective date of this Act until  
rescinded, terminated or modified by the Commissioner of  
Educational and Cultural Services.

51       **5. Employees.** All employees of the Division of Eye Care  
53       who are involved in providing educational services to blind or  
55       visually impaired children shall be transferred to the Division  
57       of Special Education and shall retain their accrued fringe  
59       benefits, including vacation and sick leave, health and life  
61       insurance and retirement benefits.

63       All transferred personnel are state employees and retain  
65       their rights and benefits under the Maine State Retirement  
67       System. Employer and employee contributions shall be made as  
69       determined by current and future collective bargaining agreements.

71       The rights and benefits under current collective bargaining  
73       agreements shall continue for all transferred personnel. If  
75       these agreements expire, or have expired, the status quo shall be  
77       maintained according to applicable labor law principles.

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### STATEMENT OF FACT

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United States Public Law 94-142 requires states to provide special educational services for exceptional children. In Maine, the Department of Educational and Cultural Services is identified as the entity responsible for overseeing the implementation of the federal requirements for all exceptional students, except those who are blind or visually impaired. The Department of Human Services is responsible for educational services for those children.

The purpose of this bill is to repeal the law obligating the Department of Human Services to provide educational services to blind or visually impaired students and transfer that responsibility to the Department of Educational and Cultural Services thus consolidating all special education services within that department. The bill makes provisions for the transition period while transfer of responsibility is taking place.