

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1483

H.P. 1054

House of Representatives, May 2, 1995

Resolve, to Create Educational Options for Exceptional Children.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.

Cosponsored by Representatives: BOUFFARD of Lewiston, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CHIZMAR of Lisbon, CLARK of Millinocket, DESMOND of Mapleton, DORE of Auburn, GREEN of Monmouth, GWADOSKY of Fairfield, JACQUES of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Buxton, MARSHALL of Eliot, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, O'NEAL of Limestone, PLOWMAN of Hampden, POULIOT of Lewiston, POVICH of Ellsworth, REED of Dexter, SIMONEAU of Thomaston, STEVENS of Orono, TUFTS of Stockton Springs, VIGUE of Winslow, YACKOBITZ of Hermon, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BUSTIN of Kennebec, CAREY of Kennebec, CASSIDY of Washington, CIANCHETTE of Somerset, ESTY of Cumberland, FAIRCLOTH of Penobscot, HALL of Piscataquis, HARRIMAN of Cumberland, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland, STEVENS of Androscoggin.

2 **Sec. 1. Creation of options and opportunities for exceptional**
3 **children; implementing legislation. Resolved:** That the Department of
4 Education, within its existing available resources, shall prepare
5 a report and propose implementing legislation to create
6 educational options and opportunities for exceptional children.
7 The department shall solicit information from and work in
8 cooperation with:

9 1. Parents of children with special needs, including, but
10 not limited to, learning disabilities;

11 2. Special education directors;

12 3. Representatives of support groups for parents of
13 children with special needs;

14 4. Current or former school superintendents;

15 5. Representatives of associations that advocate for
16 children with learning disabilities;

17 6. Special education consultants;

18 7. Hearing officers;

19 8. Members of the Joint Standing Committee on Education and
20 Cultural Affairs; and

21 9. Any other interested parties; and be it further
22

23 **Sec. 2. Contents of report and implementing legislation. Resolved:**
24 That in the report and proposed implementing legislation required
25 in section 1 of this resolve, the Department of Education shall:
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27 1. Address the different levels of services available to
28 exceptional children at different public schools throughout the
29 State and propose methods of equalizing access to educational
30 services for students with special needs;

31 2. Provide for the transfer of exceptional students from
32 one public school to another public school without requiring:

33 A. Due process hearings;

34 B. The relocation of the family;

35 C. The relinquishment of guardianship;

36 D. A superintendent's agreement; or
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2 E. Undue financial or emotional hardship; and

4 3. Propose procedures to:

6 A. Minimize financial hardship on public schools;

8 B. Provide for a panel of mediators to hear requests for transfer;

10 C. Provide immediate payment to the receiving school; and

12 D. Provide an exceptional child with a free and appropriate
14 education outside of the child's local school without
requiring emotional or financial hardship.

16 The Department of Education shall ensure that the report and
18 proposed implementing legislation do not provide incentives to
schools to neglect their obligations to provide appropriate
20 education to exceptional children; and be it further

22 **Sec. 3. Report. Resolved:** That the Department of Education
shall submit its report, along with any necessary implementing
24 legislation, to the Second Regular Session of the 117th
Legislature no later than December 15, 1995.

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28 **STATEMENT OF FACT**

30 This resolve requires the Department of Education, in
consultation with various interested parties, to propose methods
32 to create educational opportunities and equalize access to
educational services for exceptional children.