

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-first and Ninety-second
Legislatures
OF THE
STATE OF MAINE

From April 10, 1943 to April 21, 1945
AND MISCELLANEOUS STATE PAPERS
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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

Chapter 149

AN ACT to Create a Division of Special Education for Physically Handicapped Children.

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

R. S., c. 37, §§ 180-A - 180-I, additional. Chapter 37 of the revised statutes is hereby amended by adding thereto 9 new sections to be numbered 180-A to 180-I, to read as follows:

'Sec. 180-A. Purpose. The purpose of sections 180-A to 180-I, inclusive, is to provide educational facilities and services for physically handicapped children between the ages hereinafter designated who are unable to properly care for themselves without assistance or who cannot be adequately taught with safety and profit in the regular public school classes of normal children.'

'Sec. 180-B. Supervision. There is hereby created in the state department of education a division of special education to foster, inspect, approve and supervise a program of education for physically handicapped children as defined in sections 180-A to 180-I, inclusive.'

'Sec. 180-C. Definition. Educational services for physically handicapped children shall include the training of teachers, and the teaching services for crippled, partially seeing, hard of hearing, defective speech, cardiopathic, tuberculous, cerebral palsied or otherwise physically handicapped children as defined herein or not otherwise provided for by the state. The age limits for such physically handicapped shall be from 5 to 21 years. Provided that with the approval of the state department of education, the local board of education may admit individual pupils to such classes or home or institutional instruction any time after they are 5 years of age.'

'Sec. 180-D. Purpose of appropriation. Appropriations made under the provisions of sections 180-A to 180-I, inclusive, and subsequent appropriations made for the service are to be used to pay to local school districts for the excess cost of such education over and above the average per capita cost of educating normal children in their respective school districts, or for attending classes outside their regular school districts, for subsidies on an individual pupil basis to institutional schools, and for the administration of the provisions of sections 180-A to 180-I, inclusive. The excess cost shall be paid to local districts under the direction of the division of special education to cover costs of teachers' salaries, necessary school-

room equipment, special diets, therapeutic care, recreation, physiotherapy, and transportation for those pupils who live within their own school districts where special classes are instituted. Such excess cost shall not exceed \$200 per school year per pupil which shall be prorated on a monthly basis; provided, however, that schools shall not be paid for a month's instruction unless a child has attended school a major portion thereof. When such pupils must be boarded away from their home districts in order to attend a special class, or be transported from other districts, the excess cost may be increased, but not to more than \$350 per school year. If any such child shall attend less than a school year, such excess cost shall be prorated by the division of special education. Subsidies on an individual pupil basis are to be used for schools in treatment institutions, pupils attending classes in schools not in their regular school districts; the same to be distributed according to rules and regulations established by the division of special education.'

'Sec. 180-E. Procedure. In any town where the parents of 5 or more of any type of physically handicapped children, or types which may be taught together, petition the board of education of that district for a special class, it shall be the duty of the school authorities to request the division of special education of the state department of education to cooperate in the establishment of such class or classes under rules and regulations established for this purpose by the state department of education, provided also that 2 or more towns may join together and contract to establish a special class or classes. In such a case the various towns are to be paid the cost of educating the children in the special class or classes over and above the average per capita cost of educating normal children in the respective towns. In other towns where there is not a sufficient number for the organization of a special class or classes, physically handicapped children may be entered in special classes in any other town; or home teachers or approved correspondence courses shall be established. In such cases the tuition costs, not to exceed the per capita cost of maintaining such class, shall be paid by the town in which the child resides as aforesaid and the town paying the tuition shall be reimbursed by the state for the excess cost.'

'Sec. 180-F. Teacher training and qualifications. Courses of study, adequacy of methods of instruction, qualifications of teachers and technicians, necessary equipment for education, and prescribed rest and diets must comply with the requirements issued by the director of the division of special education with the approval of the commissioner of education.'

'Sec. 180-G. Costs. The local board of education or institution in which such a school, class, or special education is carried on shall include

in its annual budget a sum equivalent to the state scholastic per capita apportionment for the children who are to be taught in such a class or school. The commissioner of education shall approve payment to the town, within the limits set forth in section 180-D to the local board of education, of not more than the difference between the per capita cost of instruction and equipment for the normal children of that district in any corresponding grade of said school district, and the average per capita cost required to pay teachers' wages, and the cost of the necessary special school services, care and equipment to educate the children enrolled in the classes established for those children who may be included within the provisions of sections 180-A to 180-I, inclusive; provided that no excess cost shall be paid for school buildings, premises or plant.'

'Sec. 180-H. Reports. Local boards of education and institutions shall keep an accurate account in the manner and on the forms prescribed by the division of special education of all moneys paid out for the maintenance of such classes, care, instruction, transportation of pupils, subsidies and scholarships, and shall report those disbursements to the division of special education, including the average daily attendance and the excess cost of each pupil. The average daily attendance of pupils instructed by home teachers shall show the number of 60 minute hours devoted to such work and 5 such hours shall constitute a school week.'

'Sec. 180-I. Appropriation. There is hereby appropriated out of the general fund to the department of education for the various purposes of sections 180-A to 180-I, inclusive, for the fiscal year ending June 30, 1946, the sum of \$5,000 for the administration of the division of special education, and the sum of \$7,500 for subsidies, scholarships and reimbursement to local school districts; and for the year ending June 30, 1947, the sum of \$5,000 for administration and \$10,000 for such educational services, equipment and reimbursement. Subject to the approval of the governor and council, funds from other sources may be accepted to carry out the purposes of sections 180-A to 180-I, inclusive.'