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STATE OF MAINE
113TH LEGISLATURE
FIRST REGULAR SESSION

FINAL REPORT
OF THE
JOINT SELECT COMMITTEE
FOR
LEARNING DISABLED CHILDREN

DECEMBER 1986

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TABLE OF CONTENTS

	PAGE
ACKNOWLEDGEMENTS	iii
GLOSSARY	iv
SUMMARY OF RECOMMENDATIONS	v-xiii
I. INTRODUCTION	1
II. JOINT SELECT COMMITTEE	5
III. TRAINING AND CERTIFICATION	6
1. Regular Classroom teacher pre-service training	6
2. Supply and preparation of special education teachers	8
3. University of Maine special education curriculum	11
4. Certification issues	13
5. In-service training	15
A. Teacher in-service training	15
B. Personnel other than teachers	17
IV. IDENTIFICATION AND EVALUATION	17
1. Definition and criteria	17
2. Local assessment practices	17
3. Pre-referral strategies	18
4. Early identification	19
5. Periodic screening	20

TABLE OF CONTENTS

	PAGE
V. PROGRAMS AND SERVICES	20
1. Continuum of Services	20
A. Availability of range of services	21
B. Factors influencing availability of programs	23
C. Early intervention	25
2. Individual education program	25
3. Monitoring and compliance	26
A. Monitoring special education programs by DECS	27
B. Assignment to resource room	28
C. Staffing of the resource room	29
4. Transition services	30
A. Select Committee on transition	30
B. Long range plan	31
5. Post-secondary services	32
A. Admission criteria	33
B. On-campus services	33
C. Private institutions	34
6. Family support services	34
VI. FISCAL IMPLICATIONS	35
VII. RELATED ISSUES	36
FOOTNOTES	38
APPENDIX 1 - Proposed Legislation	

ACKNOWLEDGEMENTS

The Committee wishes to thank the following individuals who were valuable sources of information and encouragement:

James C. Chalfant, University of Arizona, special education consultant

Anthony D. Chiappone, University of Maine, Special Education faculty

Loren Downey, Director, University College of Education

Richard Duncan, Department of Educational and Cultural Services, Division of Special Education

Judith Enright, Skowhegan, Maine, special education director

Pat Kenward, University of Leciester, England, visiting professor in special education at the University of Maine at Farmington

John Kierstead, Department of Educational and Cultural Services, Division of Special Education

Lawrence Leiberman, special education consultant and author (lecture at UMF, Spring 1986)

Melvin Levine, pediatric neurologist, Harvard University and Boston Children's Hospital, (audio taped session sponsored by Parents of Learning Disabled Students, Spring 1983)

Denise Smith, Gorham, Maine, special education director

Diane Todd, Chelsea, Maine, special education teacher, (research paper)

Lee Worchester, Special Education Consulant to Department of Educational and Cultural Services

GLOSSARY

Unless the context indicates otherwise, as used in this report, the following terms have the following meanings:

- COMMITTEE -- means this committee, the Joint Select Committee for Learning Disabled Children
- DECS - means the Department of Educational and Cultural Services, also called "department"
- EHCA - means P.L. 94-142, the Education for All Handicapped Children Act of 1975
- IEP - means individualized educational plan
- LD - means learning disabled
- PET - means pupil evaluation team

SUMMARY OF RECOMMENDATIONS

The following is a listing of the recommendations of the Committee ordered by agency or entity affected or principally responsible for implementation. In order to have a true picture of the breadth and depth of the Committee's recommendation, please refer to the supporting text in the main body of the report.

Department of Educational and Cultural Services- State Board of Education

Recommendation #3: The Committee recommends that, in order to ease the problem of turnover among special education teachers, the issue of maximum caseload ratios (both total caseload and single classroom ratios) and adequate clerical assistance be thoroughly addressed through a study conducted by the DECS. That study shall address: (1) the need for lower student-teacher ratios for resource room teachers and for speech and language clinicians, and (2) innovative approaches to provide additional clerical assistance to special education teachers. The Committee further recommends that as a result of this study the DECS shall promulgate necessary changes in its special education rules no later than December 1987.

Recommendation #4: The Committee recommends that the State Board in developing rules to implement the new certification law provide comparable training requirements for recertification so that less stringent requirements for other fields do not act as a disincentive for special education teachers to remain in special education. Rather than weakening current special education recertification requirements, we urge that requirements in other fields ought to be strengthened.

Recommendation #8: The Committee recommends that the State Board of Education and Department of Educational and Cultural Services amend the conditional certification rules to be consistent with the certification rules being developed under the new teacher certification law, especially support and supervision by a master teacher and school support system.

Recommendation #10: The Committee recommends that the State Board and the DECS in coordination with the University System develop training materials designed to provide basic

competencies for conditionally certified special education teachers to allow them to function professionally in their classrooms. Those training materials need to take into account recent innovations in technologies to facilitate training in rural areas.

Recommendation #11: The Committee recommends that the State Board and the DECS study the possibility of expanding the length of the school year and report in January 1988 to the Second Regular Session of the 113th Legislature. That study should assess the need for expanding the school year for appropriate staff in-service training including special education and other issues. If found necessary, the study should suggest ways of achieving and financing the expansion and necessary implementing legislation.

Recommendation #12: The Committee recommends that all support staff such as paraprofessionals, tutors, aides, assistants, etc., be included in and compensated for in-service training.

Recommendation #13: The Committee recommends that all school personnel having contact with special education students possess some background in special education issues and that the DECS require all school administrative units to submit a plan indicating how that requirement is being achieved.

Recommendations #14: The Committee recommends that the Department of Educational and Cultural Services promulgate, by rule, minimum statewide criteria to be used by local school administrative units for the identification, evaluation and determination of the degree of severity (mild, moderate or severe) of a student's learning disability. The criteria must include individual measures of intellectual ability, achievement, and psychological processes. The department shall issue guidelines which list valid and reliable assessment instruments. That list should be reviewed and updated annually.

Recommendation #15: The Committee recommends that the Department of Educational and Cultural Services amend their rules so that, as part of the special education program approval process, each school administrative unit is required to submit a written plan demonstrating how the minimum state wide criteria recommended in #14 are being implemented.

Recommendation #16: The Committee recommends that the State Board of Education and the Department of Educational and Cultural Services amend the rules governing basic school approval so that standards for a pre-referral strategy utilizing a team approach for problem learners must be adopted by schools and approved by the Commissioner.

Recommendation #17: The Committee recommends that the Department of Education and Cultural Services adopt a rule requiring each school to develop and use a developmental screening instrument for early identification of learning differences or at risk students. The department will issue guidelines which list acceptable developmental instruments.

Recommendation #18: The Committee recommends that the Department of Educational and Cultural services require, as part of its special education program approval rules, the administration of thorough screening of all students at appropriate developmental or transitional points. This screening could be accomplished by identifying for further evaluation those students who score in the lowest quadrant of the portion of the Maine Education Assessment Program tests which is administered to 4th and 8th grade students.

Recommendation #19: The Committee supports full compliance with the provision of appropriate educational services in the least restrictive environment as required by existing law. Innovative grants should be made available by DECS for model programs to accomplish that standard.

Recommendation #20: The Committee recommends that the DECS amend its rules governing the PET meeting to require the presence of a building level administrator at that meeting.

Recommendation #21: The Committee recommends that the Department of Educational and Cultural Services undertake a public educational effort to inform the general public including school officials and student bodies as to what special education is and why it is important to the whole community.

Recommendation #22: The Committee recommends that, within the context of the least restrictive environment, school administrative units provide intense and appropriate intervention as early as possible in a child's school career but that school personnel also take all possible precautions to assure that no harmful implications or stigmas are attached to the provision of those services.

Recommendation #23: The Committee recommends that the DECS establish comprehensive statewide guidelines for the proper development and implementation of IEP's. Those guidelines shall be provided to school principals and special education directors with instructions on how they may be used to monitor and advise teachers in providing educational programs in accordance with the IEP. The Committee further recommends that the DECS institute a training program for school administrative units on IEP development and implementation.

Recommendation #24: The Committee recommends that the DECS review each school administrative unit's special education program on at least a 5-year cycle. Where violations of special education laws or rules, inadequately developed and implemented IEP's or lack of acceptable student progress are found, those aspects of the program shall be reviewed on a more frequent basis until corrected. The frequency of rereview shall be based on the severity of the violation.

Recommendation #25: The Committee recommends that the DECS enforce current rules requiring that only students with mild to moderate learning disabilities be assigned to the resource room. The Committee further recommends that the rules be amended so that only students with similar academic and behavioral needs and abilities are served in the same resource room program.

Recommendation #26: The Committee recommends that the DECS amend its certification and special education program approval rules to require that resource room teachers be certified in the area of special education to which a plurality of the students assigned to that room have been identified by their PET.

Recommendation #28: The Committee recommends that, beginning at the junior high school level, the educational program for students with learning disabilities should include a long-range plan to meet the needs of that student for transition from school to adult life. The Committee further recommends that, where appropriate, the educational program for students with learning disabilities should include a vocational or post-secondary study preparation component and an independent living skills component. The DECS shall prepare guidelines to assist school administrative units in carrying out this recommendation.

Recommendation #32: The Committee recommends:

A. That the DECS, in consultation with appropriate agencies such as the Advocates for the Developmentally Disabled, the Developmental Disabilities Council, etc., develop a public service announcement to provide information to parents of students with learning disabilities on their rights and the availability of support and advocacy services.

B. That the DECS, again in consultation with appropriate agencies, develop an informational brochure that would be disseminated as a follow-up to responses to the public service announcement. The brochure would include a general description of learning disabilities, and of the support and advocacy services available, including names, addresses, and phone numbers of contact persons.

University of Maine System

Recommendation #1: The Committee recommends that all students enrolled in elementary and secondary teacher preparation programs within the University of Maine System and approved teacher education programs at private colleges be required to complete, at a minimum, the equivalent of 2 undergraduate college courses (6 semester hours) which provide competency in: (1) the special education process, i.e., the Pupil Evaluation Team (PET), the Individualized Education Program (IEP), etc., (2) identifying and addressing the needs of handicapped students in the regular classroom, and (3) awareness of the various assessment instruments and their uses. See #1 p. 20.

Recommendation #2: The Committee recommends that university and private college officials charged with selecting and assigning teacher preparation faculty give consideration and preference to candidates for faculty positions who can impart techniques for dealing with the full spectrum of student learning needs as well as the substantive-technical course content.

Recommendation #5: The Committee recommends that University of Maine System and other appropriate officials study the issue of declining special education enrollments and identify strategies to increase enrollment in special education teacher training programs, including consideration of the need for additional undergraduate special education programs at campuses other than Farmington. A report of the study's findings should be submitted to the Joint Standing Committee on Education in January 1988.

Recommendation #6: The Committee recommends that the University of Maine System, in accordance with the recommendation of the Governor's blue ribbon commission, acknowledge the importance of teacher education programs to the State and reassess the allocation of supplemental funds in future years based on that acknowledged importance. The Committee further recommends that the University System recognize the importance of and plan to provide adequate financial support to its special education programs, especially in the area of learning disabilities. The goal should be to train special education teachers and teachers of the learning disabled who are able to provide the full spectrum of educational services -- from consulting in the regular classroom to specialized instruction in a self-contained classroom.

Recommendation #7: The Committee recommends that the University System continue to coordinate and improve its special education training programs. In its efforts, the University should consider the need for: (1) consistency in undergraduate special education training programs between campuses, (2) training that would ensure that special education programs include modeling of necessary competencies and a practicum providing supervised teaching of individuals and small group instruction, and (3) decentralized course offerings provided in the locations where they are needed.

Recommendation #9: The Committee recommends that the University review its special education program offerings and resources to determine whether those programs and resources may be more directly targeted toward the professional development needs of conditionally certified teachers already in the classroom.

Recommendation #29: The Committee recommends that legislation be enacted which would prohibit the University of Maine System, the Maine Maritime Academy, and the Vocational Technical Institutes from requiring standardized tests for the admission of diagnosed students with learning disabilities to their programs.

Recommendation #30: The Committee recommends that the University of Maine System, the Maine Maritime Academy and the Vocational Technical Institutes:

1. Develop and implement a policy to identify students with learning disabilities at time of admission.
2. Establish a comprehensive plan of staff development to provide appropriate training to existing and incoming staff to meet the needs of students with learning disabilities.
3. Provide reasonable programs and support services so that students with learning disabilities have an equal opportunity to achieve maximum benefit from their post-secondary education. Examples of such programs and services might include, but are not limited to: special orientation to the campus, faculty and facilities, personalized instruction in post-secondary study techniques and skills, extended time or other appropriate test-taking arrangements and reduced foreign language requirements.
4. Develop a program to enhance awareness on part of the rest of the student body of learning disabilities and related special education issues.

Local School Administrative Units

Recommendation #12: The Committee recommends that all support staff such as paraprofessionals, tutors, aides, assistants, etc., be included in and compensated for in-service training.

Recommendation #13: The Committee recommends that all school personnel having contact with special education students possess some background in special education issues and that the DECS require all school administrative units to submit a plan indicating how that requirement is being achieved.

Recommendations #14: The Committee recommends that the Department of Educational and Cultural Services promulgate, by rule, minimum statewide criteria to be used by local school administrative units for the identification, evaluation and determination of the degree of severity (mild, moderate or severe) of a student's learning disability. The criteria must include individual measures of intellectual ability, achievement, and psychological processes. The department shall issue guidelines which list valid and reliable assessment instruments. That list shall be reviewed and updated annually.

Recommendation #15: The Committee recommends that the Department of Educational and Cultural Services amend their rules so that, as part of the special education program approval process, each school administrative unit is required to submit a written plan demonstrating how the minimum state wide criteria recommend in #14 are being implemented.

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Recommendation #28: The Committee recommends that, beginning at the junior high school level, the educational program for students with learning disabilities should include a long-range plan to meet the needs of that student for transition from school to adult life. The Committee further recommends that, where appropriate, the educational program for students with learning disabilities should include a vocational or post-secondary study preparation component and an independent living skills component. The DECS shall prepare guidelines to assist school administrative units in carrying out this recommendation.

Other

Recommendation #27: The Committee recommends that the final recommendations of the Select Committee to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age be implemented by the identified coordinating agencies and that the Select Committee or some other appropriate entity monitor the implementation schedule established in these recommendations.

Recommendation #31: The Committee recommends, consistent with the Vocational Rehabilitation Act and with national and state trends, that private postsecondary institutions which have not already done so adopt and implement policies with respect to admission testing and provision of services consistent with recommendations #29 and 30.

Recommendation #33: The Committee recommends that the costs associated with the increased responsibilities recommended to be delegated to the DECS and State Board of Education be given highest priority by the Legislature in its funding decisions for fiscal year 1987-88 and that no additional staff responsibilities be assigned without making a corresponding increase in resources available..



FINAL REPORT
OF THE
JOINT SELECT COMMITTEE
FOR
LEARNING DISABLED CHILDREN

I. INTRODUCTION

The idea that public education is an essential component of American Society began to emerge at the time of the Industrial Revolution. However, it was not until the Supreme Court's landmark decision in Brown v. Board of Education in 1954 that it was determined that a public education must be available to all individuals on equal terms.

Despite the Brown decision, it was over a decade before the equal educational opportunity doctrine was applied to handicapped students. Finally, after several Congressional enactments and suits challenging restrictive state policies, Congress enacted PL 94-142, the Education for All Handicapped Children Act of 1975 (EHCA), to guarantee the availability of public education to handicapped children.

As signed into law by President Ford on November 29, 1975, the Act (1) required that each state provide a free and appropriate education to all handicapped children (2) required that, where appropriate, handicapped children be educated with non-handicapped children in the least restrictive environment, preferably the regular classroom; (3) required that the school district, in consultation with parents and child, establish a written individualized educational program (IEP) for each handicapped child and meet with the involved parties when the child enters the school system with another meeting the same year and annual reviews thereafter; and (4) to enable implementation, provided an entitlement formula for reimbursement of a portion of the costs involved. To be eligible for reimbursement, a state must comply with procedural and substantive safeguards established in the Act.

While Congress was discussing federal legislation to address the needs of handicapped children, many states were also considering their own legislation. In October of 1973, PL c. 609, "AN ACT Relating to Exceptional Children" became law; and the cornerstone of special education in Maine was laid. That law guaranteed the fundamental rights of a free appropriate public education to handicapped children and state funding to support that right. The Maine Department of Educational and Cultural Services, Division of Special Education first adopted rules and guidelines under the law in January 1974.

Since passage of the State and federal laws, there has been a steady growth in the special education population served under P.L. 94-142 -- both nationally and in Maine. One of the fastest growing segments of the special education population is

that segment commonly called learning disabled. For example, nationally, the number of children labelled as learning disabled increased from 797,213 in 1976-77 (1.1% of the age 3 to 21 population or 21% of the handicapped in that age group) to 1,840,092 in 1984-85 (2.7% of age 3 to 21 population or 42% of the handicapped in that age group). During that same period the population of students with a learning disability in Maine also increased steadily, if less dramatically. There were 7,261 students with learning disabilities identified in Maine in 1976-77 representing 1.98% of the age 3 to 21 population or 31% of the handicapped population in that age group. By 1984-85, the total had risen to 9,715 which constituted 2.9% of the age 3 to 21 population and 37% of the handicapped population in that age group. See Tables 1 & 2 showing identification rates of students with learning disabilities as a percentage of total school population and total school handicapped populations.

Despite the growth in the number of students identified as learning disabled, there persists a sense among many in Maine that programs for the learning disabled are not adequately providing appropriate educational services to properly identified students. That sense led to the introduction of legislation to the First Regular Session of the 112th Legislature creating a special committee to study learning disabilities issues. The bill, LD 569, Resolve, To Address the needs of Learning Disabled Children received substantial public support at the hearing before the Joint Standing Committee on Education and was enacted as Chapter 43 of the Resolves of 1985.

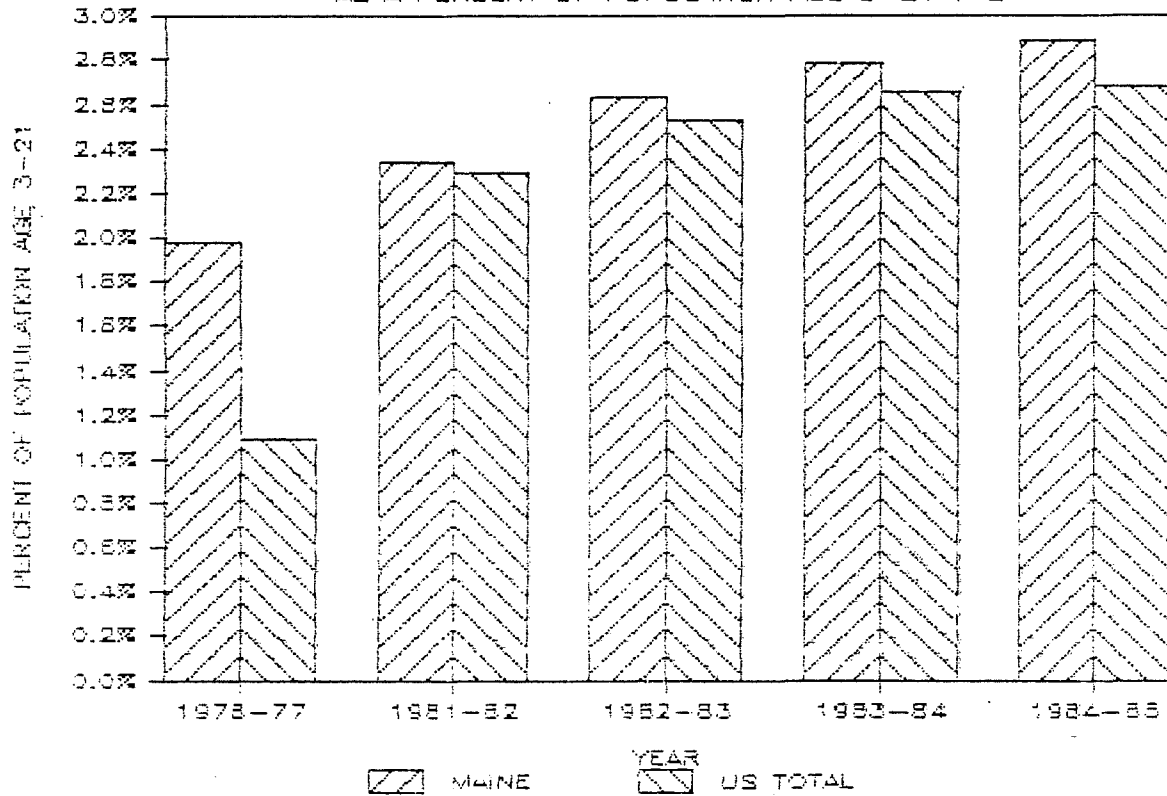
The Resolve created the Joint Select Committee for Learning Disabled Children. The Committee was charged with the following tasks:

1. Document in-service and pre-service training needs of regular and special education teachers dealing with students with learning disabilities review current certification requirements and recommend additional training and certification requirements as may be necessary;
2. Review current identification and evaluation requirements and local practices and make recommendations for any needed revisions in regulations or current practices;
3. Review the ability of current placement alternatives to meet the needs of students with learning disabilities;
4. Develop recommendations for coordinated state-wide approach to the identification, evaluation and instruction of students with learning disabilities.

TABLE 1

IDENTIFICATION RATES FOR LD STUDENTS

AS A PERCENT OF POPULATION AGE 3-21 YRS

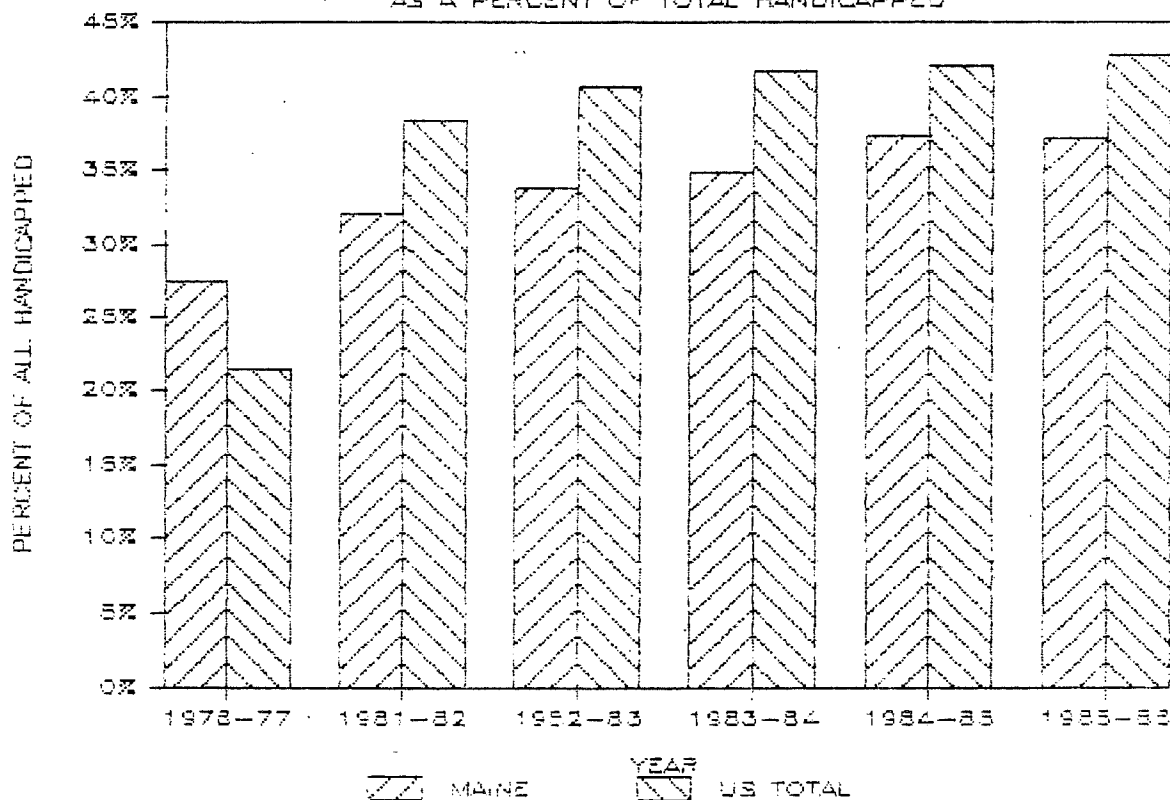


Source: U.S. Department of Education, Office of Special Education and Rehabilitation Services (1986); To assure a Free Appropriate Education of all Handicapped Children, Sixth Annual Report to Congress on Implementation of Public Law 94-142: The Education of All Handicapped Children Act; Washington, D.C.

TABLE 2

IDENTIFICATION RATES FOR LD STUDENTS

AS A PERCENT OF TOTAL HANDICAPPED



Source: U.S. Department of Education, Office of Special Education and Rehabilitation Services (1986); To assure a Free Appropriate Education of all Handicapped Children, Sixth Annual Report to Congress on Implementation of Public Law 94-142: The Education of All Handicapped Children Act; Washington, D.C.

Three public hearings were required to be held around the State to receive comments from interested persons. The original Resolve required a final report to be issued by January 1, 1986. That date was later amended to December 1, 1986.

II. JOINT SELECT COMMITTEE

The Joint Select Committee for Learning Disabled Children, as created by Chapter 43 of the Resolve of 1985, has a diverse membership consisting of individuals or representatives of various groups concerned with the educational needs of children with learning disabilities. The Resolve provides for representation on the Committee of the following: the Maine Advisory Panel on the Education of Exceptional Children; the Governor's Advisory Council on Developmental Disabilities; the Parents of Learning Disabled Students; the Maine Regional Group of the Orton Dyslexia Society; the Maine Association for Children and Adults with Learning Disabilities; the Maine Association of Directors of Services for Exceptional Children; the Department of Educational and Cultural Services; elementary and secondary school teachers; the State Protection and Advocacy Agency; the University of Maine-Teacher Education Program; the Maine Parent Federation; pediatricians knowledgeable about learning disabilities; speech and language clinicians; the Maine School Principals' Association; and the Maine School Management Association. The Committee also includes 2 public members, one of whom is the chair, and 2 legislative members of the Joint Standing Committee on Education.

Appointment of members was completed in November 1985, and the Committee held an organizational meeting on December 5. A second meeting was held on December 17. Following that meeting, the Committee held a series of public hearings to receive comment on issues related to the provision of educational services to children with learning disabilities. Public hearings were held in Portland on January 9, 1986, Presque Isle on January 15, and in Bangor on January 21. All told, about 200 people attended the hearings. Of those, 45 presented oral testimony covering nearly 12 hours. In addition many written comments were received during the comment period following the hearings. The Committee met twice following the public hearings to discuss the comments received, its legislative charge and the preparation of an interim report. That report was issued in March 1986 and distributed to legislators and other interested parties.

The Interim report identified areas of concern which the Committee felt needed further consideration. The report also charged the Committee with the responsibility of thoroughly analyzing those issues in preparation of the Final Report. To study the identified issues, the Committee divided into 3

subcommittees of 6 or 7 members each. One subcommittee dealt with training and certification issues, one with identification and evaluation issues and one with programs and services issues.

Each subcommittee met regularly through the summer, often in consultation with experts in their area of inquiry. Draft findings and recommendations were developed by each subcommittee and circulated among all the members. The full committee met for 2 1-2 days in September and again in November to develop this report.

The Committee wishes to stress that many factors and points of view were considered in developing the recommendations which are the body of this report. Given the diversity of membership of the committee, consensus was not always easy to achieve. Nevertheless, it has been accomplished; and each member fully supports this report. We feel that is an accomplishment of which we can be justifiably proud and hope that everyone reading this report will also support the entire slate of recommendations.

Finally, it is important to note that, while the committee's charge and the bulk of our discussions were focused on learning disabilities issues, it is sometimes impossible and often counterproductive to ignore the needs of other exceptional children when recommending improvement in services for the learning disabled. Where called for, we have aimed our recommendations at special education services generally, rather than restricting them to LD services only. The rest of this report contains a discussion of our deliberations and specific recommendations regarding training and certification of personnel dealing with students with learning disabilities, problems associated with the identification and evaluation of students with learning disabilities, appropriate programs and services for students with learning disabilities and the fiscal implications of our package of recommendations.

III. TRAINING AND CERTIFICATION

1. Regular classroom teacher pre-service training

In the Committee's Interim Report, we recognized that the regular classroom teacher plays a pivotal role in the education of students with learning disabilities. The classroom teacher may be the first to notice learning problems in an undiagnosed student and to suggest testing to determine the need for special educational services. For students who are diagnosed as mildly or moderately learning disabled, the classroom teacher will be responsible for much of their education in the regular classroom.

Because of the critical role which the regular classroom teacher may play in the identification and education of students with learning disabilities, the Committee feels it is

vitaly important that more emphasis be placed on training to address the needs of those students in regular classroom teacher education programs. In this regard, our recommendation meshes with that of the Select Committee to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age which has recently recommended 6 hours of undergraduate special education study for regular classroom teachers.

Recommendation #1: The Committee recommends that all students enrolled in elementary and secondary teacher preparation programs within the University of Maine System and approved teacher education programs at private colleges be required to complete, at a minimum, the equivalent of 2 undergraduate college courses (6 semester hours) which provide competency in: (1) the special education process, i.e., the Pupil Evaluation Team (PET), the Individualized Education Program (IEP), etc., (2) identifying and addressing the needs of handicapped students in the regular classroom, and (3) awareness of the various assessment instruments and their uses. These same requirements must also be part of any training program for administrators who have not taken such courses in their preservice or in-service teacher preparation program.

It is the Committee's intent in making this recommendation to allow maximum flexibility to the institutions involved in satisfying it. Whether the 6 hours can best be provided by 2 discrete courses, by integrating various elements of the required competencies which cumulate to 6 hours into other broader courses in the curriculum or by some combination of these approaches is a decision best made by the institutions involved. It is, however, the Committee's firm conviction that the competencies can only be imparted with at least 6 hours of course instruction and that any integration into other courses should assure that amount of exposure is provided. Finally, we are convinced that regular classroom teacher preparation students would benefit from additional exposure to the needs of special education students. For that reason the 6 hour recommendation should be viewed as a minimum. Where circumstances permit or innovative approaches are available more exposure would be very beneficial.

We recognize that there may be some reluctance from the University's perspective to give in to the needs of one particular group in developing the regular classroom teacher curriculum when there are many other constituencies also demanding more class time. However, we feel this recommendation can be defended as required to meet the least restrictive environment standard of State and federal law.

Teacher education programs can benefit from the presence of faculty members who are aware of the various learning needs of all types of students. It is sometimes difficult for prospective teachers to comprehend that there are many people

who learn in different ways than they and their peers do. That difficulty, if unaddressed in the teacher preparation program, may present problems to a teacher (and especially his or her students) faced with a classroom of students possessing a wide range of learning needs.

Recommendation #2: The Committee recommends that university and private college officials charged with selecting and assigning teacher preparation faculty give consideration and preference to candidates for faculty positions who can impart techniques for dealing with the full spectrum of student learning needs as well as the substantive-technical course content.

2. Supply and preparation of special education teachers

Two matters concern the Committee with respect to the supply of special education teachers.

The first concern is the high turnover rate for special education teachers. A legislative study¹ of teacher turnover rate by subject taught found that resource room teachers tied for the highest turnover rate. Other special education teachers ranked third. Those findings indicate a dissatisfaction among special education teachers which exceeds that of most other teachers and which is apt to be greater than any satisfaction which those teachers get from their work.

Among the factors the study found to be contributing to teacher dissatisfaction generally were: low level of monetary compensation, lack of community support for education, little administrative support within the school building and insufficient professional feedback on performance evaluations. In addition to those factors, this Committee heard testimony at the public hearings indicating that for special education teachers other areas of dissatisfaction are: burdensome paperwork requirements, large caseload assignments and lack of time for adequate planning and preparation.

Some special education teachers leave teaching. Others who are, or become, dually certified chose to teach another subject. It is commonly accepted that a large percentage of graduates of the University teacher preparation programs, who are dually certified in special education and some regular classroom subject, such as elementary education, go directly to teach in the regular classroom. Others, after a few years facing the conditions cited above in special education, move over to the regular classroom:

Recommendation #3: The Committee recommends that, in order to ease the problem of turnover among special education teachers, the issue of maximum caseload ratios (both total caseload and single classroom ratios) and adequate clerical assistance be thoroughly addressed through a study conducted by the DECS. That study shall address: (1) the need for lower

student-teacher ratios for resource room teachers and for speech and language clinicians, and (2) innovative approaches to provide additional clerical assistance to special education teachers. The Committee further recommends that as a result of this study the DECS shall promulgate necessary changes in its special education rules no later than December 1987.

With respect to special education student-teacher ratios, it is the intent of the Committee that those ratios should, at the bare minimum, be consistent with the new ratio for regular classrooms established under the Education Reform Act of 1984. It is further the intent of the Committee that any new ratios established as a result of the study be based on the severity and variety of student needs which may vary from situation to situation.

The Committee also feels that current certification rules may be another factor contributing to special education teachers choosing to teach other subjects. State Board of Education rules provide for an initial 5-year certification for both regular classroom and special education teachers. The regular classroom teacher certificate may be renewed for an unlimited number of additional 5-year periods provided 6 hours of approved study have been completed during each period. However, the 5-year special education certificate may be renewed only once for 5 years. Continued special education certification after that depends upon attainment of the 10 year certificate (next higher level of certification). To attain that level of certification, 30 hours of approved study beyond the bachelor's degree are required. Some special education teachers apparently find that requirement difficult to fulfill and opt for regular classroom certification instead.

Recommendation #4: The Committee recommends that the State Board in developing rules to implement the new certification law provide comparable training requirements for recertification so that less stringent requirements for other fields do not act as a disincentive for special education teachers to remain in special education. Rather than weakening current special education recertification requirements, we urge that requirements in other fields be strengthened.

The second area of concern related to supply of special education teachers is the decline in the enrollment of students in special education programs at the University. (See Table 3 for the special education enrollment figures between 1980 and 1985 for the University of Maine at Farmington the major source of undergraduate special education training in the University System.) Those figures show a steady decline in the total number of special education students enrolled at UMF. Perhaps, more importantly, the number of freshmen enrolling is down significantly in recent years.

TABLE 3

Special Education Majors
University of Maine at Farmington

Fall, 1985						Fall, 1984						Fall, 1983					
Major	Fresh	Soph	Junior	Senior	TOTAL	Fresh	Soph	Junior	Senior	TOTAL	Fresh	Soph	Junior	Senior	TOTAL		
ED	15	23	11	27	76	24	18	17	27	86	18	15	30	22	85		
LD	20	20	24	25	89	23	17	26	24	90	24	23	25	22	94		
EMR	19	19	12	14	64	23	14	16	19	72	21	15	15	25	76		
SPCH	17	14	13	19	63	18	19	15	16	70	22	18	11	26	77		
	71	76	60	85	292	88	68	76	86	320	85	72	81	95	333		

Fall, 1982						Fall, 1981						Fall, 1980					
Major	Fresh	Soph	Junior	Senior	TOTAL	Fresh	Soph	Junior	Senior	TOTAL	Fresh	Soph	Junior	Senior	TOTAL		
ED	22	27	23	23	95	28	26	24	14	92	40	28	19	27	114		
LD	38	21	22	30	111	30	28	26	26	110	31	22	23	26	104		
EMR	22	22	23	21	88	30	30	18	20	98	29	27	21	22	99		
SPCH	19	12	20	25	76	19	23	18	19	79	30	2	7	21	60		
	101	82	88	99	370	107	107	86	79	379	130	79	70	96	375		

Source: University of Maine System, University College of Education data.

To a certain extent, the figures on declining enrollments are misleading, at least for students enrolling in learning disabilities programs at the University of Maine at Farmington. In recent years, the enrollment figures have declined as a result of a self-imposed limitation on the number of applicants admitted. That limitation is based on the number of faculty and other resources available to students enrolled in the learning disabilities program there. What is really needed is a greater commitment of resources to expand the range of training programs. Those programs are presently focused largely on preparing resource room teachers to deal with mildly to moderately students with learning disabilities. Teachers trained in a range of services from consulting teacher model to self-contained classroom model are needed to deal with the full spectrum of educational service needs. Currently, the University of Maine at Farmington has the only undergraduate special education degree program offered in the University System. Some observers feel that situation discourages the enrollment of some students who might otherwise major in special education but who wish to attend another campus.

The problem of declining enrollments in special education training programs and shortage of trained special education teachers is a difficult one to address because there are many interrelated factors to consider. In addition, a high percentage of special education teachers are trained outside the University System. Nevertheless, given that limitation, the Committee feels the first order of business to address the shortage is to attract more qualified candidates to special education training programs at the University and to keep them on the job once they graduate.

Recommendation #5: The Committee recommends that University of Maine System and other appropriate officials study the issue of declining special education enrollments and identify strategies to increase enrollment in special education teacher training programs, including consideration of the need for additional undergraduate special education programs at campuses other than Farmington. A report of the study's findings should be submitted to the Joint Standing Committee on Education in January 1988.

3. University of Maine special education curriculum

The Committee feels that greater emphasis needs to be placed on special education teacher preparation programs within the University. The 112th Legislature in its Second Regular Session appropriated a "downpayment" of \$15 million to the University to increase the quality of its existing programs in accordance with the recommendations of the Governor's blue-ribbon commission. One of the blue-ribbon commission's seven recommendations regarding the academic program at the University was that the Chancellor and Board of Trustees acknowledge teacher education as one of the most important

functions of the University. The report sought to ensure high standards in the education of future teachers by improving the educational opportunity and achievement of prospective teachers.

According to information available to the Committee, little if any, of the \$15 million is currently allocated for improving teacher education programs at the University. It appears that none of those funds will be devoted to special education programs. We feel that the findings of this Committee and other similar bodies indicate the importance to the whole State of the University's teacher education and special education programs.

Recommendation #6: The Committee recommends that the University of Maine System, in accordance with the recommendation of the Governor's blue ribbon commission, acknowledge the importance of teacher education programs to the State and reassess the allocation of supplemental funds in future years based on that acknowledged importance. The Committee further recommends that the University System recognize the importance of and plan to provide adequate financial support to its special education programs, especially in the area of learning disabilities. The goal should be to train special education teachers and teachers of the learning disabled who are able to provide the full spectrum of educational services -- from consulting in the regular classroom to specialized instruction in a self-contained classroom.

During its existence, the Committee has heard considerable comment on the special education training program within the University System. Some comments were received on the inconsistency in special education courses between campuses of the University and on the unavailability of special education programs in certain areas of the State. In addition to acting as a disincentive for students to enroll in special education as discussed above, that situation also makes it difficult to obtain necessary in-service training in some areas of the State.

Other comments were critical of the lack of specific clinical special education programs to expose students who are studying special education to the various aspects of the PET process and the development and implementation of the IEP.

As noted in the Interim Report, the Committee recognizes that course offerings and content are the responsibility of the University and its faculty. The Committee also recognizes that there are many factors, financial resources not the least of them, which affect the University's ability to change or expand course offerings. Finally, the Committee senses that the University is beginning to address these concerns. Several clinical and regional models exist at various campuses. Those models need to be employed more widely.

Recommendation #7: The Committee recommends that the University System continue to coordinate and improve its special education training programs. In its efforts, the University should consider the need for: (1) consistency in undergraduate special education training programs between campuses, (2) training that would ensure that special education programs include modeling of necessary competencies and a practicum providing supervised teaching of individuals and small group instruction, and (3) decentralized course offerings provided in the locations where they are needed.

4. Certification issues

Evidence exists demonstrating that it is often difficult for school units to hire certified special education teachers. In records maintained by the DECS, special education is the type of teaching position which has consistently ranked highest in vacancies. This situation forces many school units to rely on conditionally certified special education teachers to provide educational services.

Some statistics are illustrative of the prevalence of conditional certification for special education and, especially, teachers of the learning disabled. Although special education teachers represent about 12% of the total certified teachers, they represent 31% of those who are conditionally certified. (See Table 4) Furthermore, the percentage of conditionally certified special education teachers who are certified in learning disabilities has increased from 38% in 1982-83 to 50% in 1985-86.

Under DECS rules an individual who has the promise of a teaching position, a bachelors degree, and 6 of the 18 semester hours of special education courses required for regular certification in that position may apply to the department for conditional certification. The certificate is almost always granted and is valid for one year. It is renewable on an annual basis if, during the year of conditional certification, the teacher completes six hours of special education study approved by the commissioner. Presumably, after 2 years of conditional certification, the teacher will have acquired the required 12 additional hours of special education training and will, therefore, be eligible for regular certification.

Many parents and Committee members fear that conditional certification inevitably results in inappropriate or ineffectual instruction for many special education students. For some subjects, conditionally certified teachers can bring a wealth of substantive and technical knowledge and experience to the classroom. However, the Committee feels that there are certain specific teaching skills which are essential to the individual needs of exceptional students and which can only be learned through instruction. Conditionally certified special

education teachers have not been exposed to all the essential skills necessary to provide an appropriate education for learning disabled and other special education students. If they had, they would be fully certified.

TABLE 4

EMPLOYED SPECIAL EDUCATION TEACHERS AND
LEARNING DISABILITIES TEACHERS AS A
PERCENTAGE OF ALL EMPLOYED CERTIFIED AND
CONDITIONALLY CERTIFIED TEACHERS

EMPLOYED CETIFIED TEACHERS					
	CERTIFIED	SP ED	% OF CERTIFIED LD		% OF SP ED
1982-83	14,253	1,344	(9% Total)	683	(51% of Sp Ed)
1983-84	14,496	1,424	(10% Total)	711	(50% of Sp Ed)
1984-85	14,881	1,534	(10% Total)	782	(51% of Sp Ed)
1985-86	13,725	1,588	(12% Total)	781	(49% of Sp Ed)

EMPLOYED CONDITIONALLY
CERTIFIED TEACHERS

	COND. CERTIFIED	SP ED	% OF COND. CERT.	LD	% OF SP ED
1982-83	315	82	(26% Total)	31	(38% of Sp Ed)
1983-84	371	103	(26% Total)	44	(43% of Sp Ed)
1984-85	425	120	(28% Total)	63	(53% of Sp Ed)
1985-86	471	145	(31% Total)	72	(50% of Sp Ed)

Source: Maine Department of Educational and Cultural Services, Division of Special Education, 1984; Staff Information Systems 1982-83; Augusta, Maine. Maine Department of Educational and Cultural Services, Division of Teacher Certification and Placement, 1984; Conditional Certificates Awarded 1982. (Same reports used for 1983-84, 1984-85 and 1985-86)

It seems likely that, at least for the foreseeable future, a significant portion of special education teachers will continue to be conditionally certified. That being so, it is clear that a special system for the support and professional development for those teachers must be developed.

Recommendation #8: The Committee recommends that the State Board of Education and Department of Educational and Cultural Services amend the conditional certification rules to be consistent with the certification rules being developed under the new teacher certification law, especially support and supervision by a master teacher and school support system.

Obviously, the teacher training program at the University will play an important role in the acquisition of the necessary competencies by conditionally certified teachers. It is critical that the University continue to expand its role in this area.

Recommendation #9: The Committee recommends that the University review its special education program offerings and resources to determine whether those programs and resources may be more directly targeted toward the professional development needs of conditionally certified teachers already in the classroom.

In many cases, a conditionally certified teacher may need immediate access to training materials in order to provide basic educational services in the classroom. In such cases, it would be useful if the Department of Educational and Cultural Services had sets of training materials available for use by conditionally certified teachers.

Recommendation #10: The Committee recommends that the State Board and the DECS in coordination with the University System develop training materials designed to provide basic competencies for conditionally certified special education teachers to allow them to function professionally in their classrooms. Those training materials need to take into account recent innovations in technologies to facilitate training in rural areas.

5. In-service training

A. Teacher in-service training

Several in-service training related issues have been addressed in previous sections. In addition, the Committee feels it is useful to recognize that undergraduate preservice education is neither intended nor able to fully equip special education teachers with the skills necessary to perform all the tasks of teaching all levels of exceptional students well. What we have tried to stress is that preservice training should be designed to provide basic competencies which must then be

periodically and continuously expanded by in-service training throughout the teacher's career. The question thus becomes: What changes are necessary and possible to help insure that the necessary staff development occurs?

One general recommendation which we feel compelled to mention is the need for more time in the school year for meaningful professional development, especially on special education issues. Such training should, ideally, be directed at both special education and regular classroom teachers and paraprofessional support staff. There are a number of possible approaches. Some possibilities are:

i. Locally developed training programs bringing together special education and regular classroom teachers and administrators at an on-going series of workshops to address identified training needs;

ii. Encouraging or requiring an expanded school year. In Maine, the school year must be at least 180 days with at least 175 days of instruction. Current law (20-A MRSA §4801, sub-§1, ¶B) allows school administrative units to implement an expanded school year through local rules. Perhaps, local units can be encouraged to use that option or, alternatively, the school year could be lengthened statewide to provide additional teacher in-service training or seminar days.

Recommendation #11: The Committee recommends that the State Board and the DECS study the possibility of expanding the length of the school year and report in January 1988 to the Second Regular Session of the 113th Legislature. That study should assess the need for expanding the school year for appropriate staff in-service training including special education and other issues. If found necessary, the study should suggest ways of achieving and financing the expansion and necessary implementing legislation.

iii. Compensation for paraprofessional support staff for participating in in-service training programs. Testimony presented to the Committee and the experience of members indicates that paraprofessionals are often not included in in-service training by school administrative units and are often not compensated for training costs when they do participate. That situation does not seem fair in light of the vital support those individuals provide to special education students.

Recommendation #12: The Committee recommends that all support staff such as paraprofessionals, tutors, aides, assistants, etc., be included in and compensated for in-service training.

B. Personnel other than teachers

A host of personnel may have contact with the special education student in school. Those personnel perform a wide range of functions in the schools.

It seems logical that all personnel having contact with a special education student must have some academic or practical experience which indicates their competency to deal with students with learning disabilities.

Recommendation #13: The Committee recommends that all school personnel having contact with special education students possess some background in special education issues and that the DECS require all school administrative units to submit a plan indicating how that requirement is being achieved.

IV. IDENTIFICATION AND EVALUATION

1. Definition

Nationally, there have been numerous studies of the various terms used to define the condition known as learning disability. In reviewing federal regulations and state rules², the Committee found no pressing problems in the area of definition in Maine, and, therefore, makes no recommendations.

2. Local assessment practices and eligibility criteria

The Committee has found that a problem does exist with the application of the definition and criteria by some school administrative units in the process of evaluating students who may have learning disabilities for eligibility for services. Apparently, that interpretation and application of the definition and criteria is left up to local school administrative units. The result is an inconsistent availability of special education services across the State -- some units being more restrictive than others in determining eligibility for services. That results in an inequitable situation where a student with a learning disability in one district may be properly identified and appropriate services provided while a student with a similar learning disability in another district is not properly identified and, thus, inappropriately served.

The Committee finds such a situation to be patently unfair, if not illegal. The solution to the problem is, we feel, to require the department to adopt minimum mandatory rules for the identification and evaluation of students with learning disabilities with which school administrative units across the State would be required to comply.

State agency rules are subject to the Maine Administrative Procedure Act. The rule-making provisions of that act require public notice of proposed and adopted rules, opportunity for public comment on proposed rules, consideration of all comments prior to adoption and analysis of the proposed rule's potential impact prior to adoption. Thus, the rules are reasonably assured of being balanced and up to date. The APA also provides a mechanism for adversely affected parties to appeal for a change in an agency's rule. Appeal may be to the agency itself, to the legislature or to the courts. The Committee feels that consistent, statewide rules are needed in this area and that there are sufficient safeguards to assure that those rules will be reasonable. It is the Committee's intent that departmental rules serve as a statewide minimum. If individual school administrative units wish to provide more comprehensive programs, they may.

Recommendations #14: The Committee recommends that the Department of Educational and Cultural Services promulgate, by rule, minimum statewide criteria to be used by local school administrative units for the identification, evaluation and determination of the degree of severity (mild, moderate or severe) of a student's learning disability. The criteria must include individual measures of intellectual ability, achievement, and psychological processes. The department shall issue guidelines which list valid and reliable assessment instruments. That list shall be reviewed and updated annually.

Recommendation #15: The Committee recommends that the Department of Educational and Cultural Services amend their rules so that, as part of the special education program approval process, each school administrative unit is required to submit a written plan demonstrating how the minimum state wide criteria recommended in #14 are being implemented.

3. Pre-referral strategies

The Committee is convinced that some students currently identified as learning disabled can be more appropriately served outside the special education system. Additionally, the Committee feels that some students who may be in need of services are not currently being identified. What is needed is for school administrative districts to be more precise in their identification of students with learning disabilities (in accordance with the standards to be developed under Recommendation #14, above) and for regular education services to be strengthened in order, where appropriate, to serve those students prior to referral to special education programs.

Various models exist for building-based teacher support teams. They are often known as Teacher Support Teams, Teacher Assistance Teams, Child Learning Teams or other names. They are designed to provide a mechanism within the school building

to allow teachers who have contact with a child with learning or behavioral problems to pool their knowledge, skills and ideas on how best to provide educational services for that child.

The functions of such teams have been identified as to:

- "1. Clarify the nature of a student's learning and behavioral problems.
2. Generate instructional alternatives for the classroom teacher.
3. Monitor the impact of the recommendations.
4. Share knowledge ideas and skills with the staff.
5. Refer students for evaluation whenever necessary.³

Recommendation #16: The Committee recommends that the State Board of Education and the Department of Educational and Cultural Services amend the rules governing basic school approval so that standards for a pre-referral strategy utilizing a team approach for problem learners must be adopted by schools and approved by the Commissioner.

4. Early Identification of at risk students

According to a recent study of the identification of students with learning disabilities in Maine:

"Present regulations do not allow for a child to be diagnosed as SLD (having a specific learning disability) unless there is a demonstrated discrepancy between ability and performance. The performance measures are usually some type of academic tests. Therefore, the young child who has not yet reached the stage in his educational program to adequately be assessed in terms of academic performance is easily overlooked as SLD unless some glaring motor or language deficiencies exist.⁴

To address that problem, the Committee feels that use of a developmental checklist would be helpful; and several models of such checklists exist. A developmental check list could be used for early screening to identify those with learning differences or considered at risk.

Recommendation #17: The Committee recommends that the Department of Education and Cultural Services adopt a rule requiring each school to develop and use a developmental screening instrument for early identification of learning differences or at risk students. The department will issue guidelines which list acceptable developmental instruments.

5. Periodic Screening

The system for identifying students at risk should be a comprehensive one, which includes preschool children, elementary, junior high school, and senior high school students. Screening examinations should be given to all students during these transitional periods.

Recommendation #18: The Committee recommends that the Department of Educational and Cultural services require, as part of its special education program approval rules, the administration of thorough screening of all students at appropriate developmental or transitional points. This screening could be accomplished by identifying for further evaluation those students who score in the lowest quadrant of the portion of the Maine Education Assessment Program tests which is administered to 4th and 8th grade students.

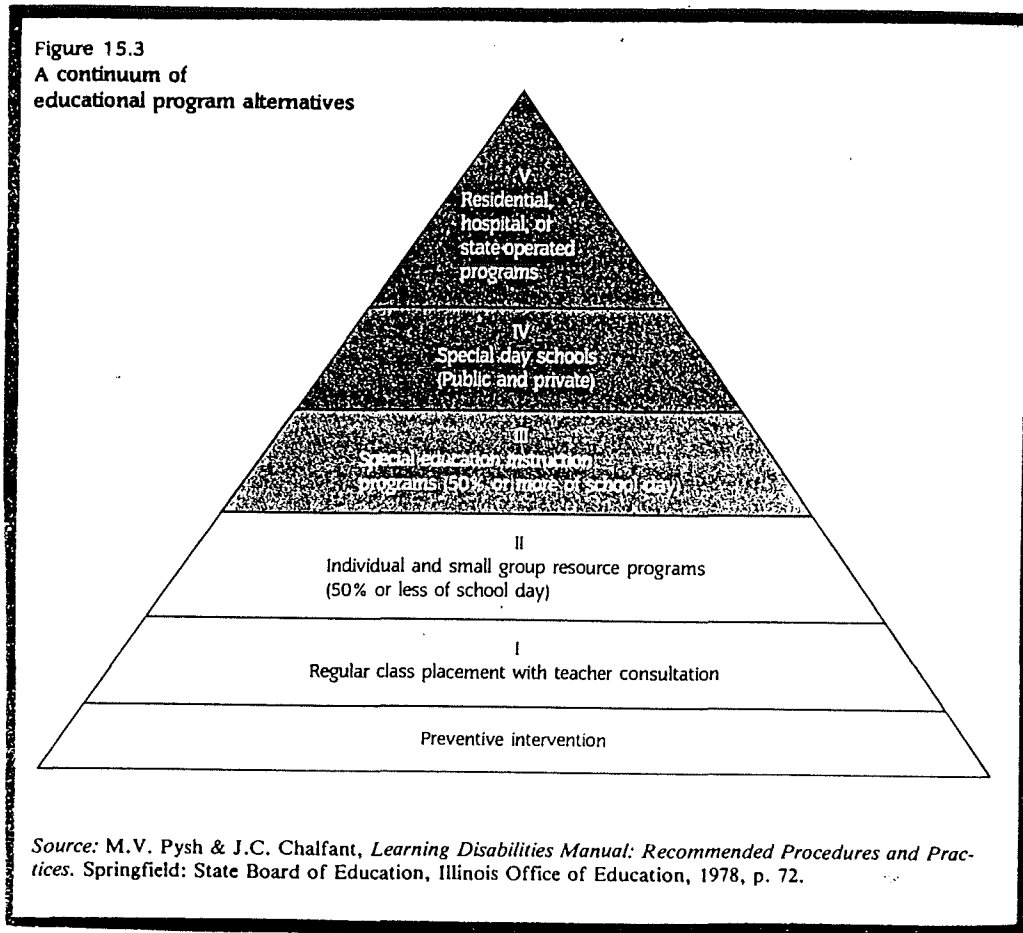
V. PROGRAMS AND SERVICES

1. Continuum of Services

Because there is a wide range in the types and degrees of learning disabilities (and, indeed, of other special educational needs), it is self evident that, if each student with a learning disability is to receive an education appropriate to his or her needs, each school administrative unit must be prepared to provide a wide spectrum of educational services at all school levels. That concept is commonly called a continuum of services.

In the Committee's view, continuum of services consists of two equally important elements. In the broader sense, that term means the availability of services for students with learning disabilities ranging from programs in the regular classroom to residential placement. In the narrower sense, focusing on the needs of individual students, it means that continuous program services are available at all grade and age levels so that continual educational progress may be achieved as a child with a learning disability moves through the educational system.

The necessary continuum of services is often depicted as a pyramid (see figure).



This pyramid describes the placement of students with learning disabilities in appropriate programs. Existing law requires placement in the "least restrictive environment." That means students will be placed in programs appropriate to their needs which are removed as little as possible from the regular classroom. Starting at the base of the pyramid, each ascending level represents an increased amount of special education services. The shape of the pyramid indicates that as the services become more specialized, the number of students needing the service decreases.

A. Availability of range of services

Nationally, the full spectrum of services is often not available. Indeed, with respect to students with learning disabilities, the available services are heavily concentrated at Level II -- the resource room. Nationwide, approximately

79% of students identified as learning disabled are served in resource rooms.⁵ Departmental estimates of 77% indicate the percentage in Maine is similar. To the Committee, the reasons for this apparently high percentage appear to be (1) overzealous referral of mildly students with learning disabilities from the regular classroom to the resource room and (2) the inability or unwillingness of some school administrative districts to provide more specialized levels of service for more severely students with learning disabilities due to cost and other factors. As a result, the bulk of students with learning disabilities receive special services in the resource room. It seems clear to the Committee that, although many of those students are appropriately placed in resource rooms, some would be better served at upper levels of the pyramid and others at lower levels.

To expand the numbers of students with learning disabilities who are appropriately served at the lower levels of the program alternatives pyramid, fundamental changes are necessary in the way regular classroom trained and certified and the way special education teachers are utilized. For example, to decrease inappropriate referrals of students with learning disabilities to resource room programs as a matter of expediency, classroom teachers could benefit from additional training in the various methods of learning and some grounding in dealing with students with mild learning disabilities in their classrooms. At the same time and toward the same end, special education teachers would be better able to assist regular classroom teachers to provide services in their classroom if they had additional training in communications and consultation with regular classroom teachers. Naturally, the caseload and student-teacher ratios must be at manageable levels for both regular classroom and special education teachers if they are to perform their responsibilities. Committee recommendations concerning training and certification of regular classroom and special education teachers and maximum caseload are found in Section III.

To expand the numbers of students with learning disabilities who are appropriately placed in levels more restrictive than the resource room will require some commitment by the State and school administrative units to increased expenditures. Nevertheless, it should not be forgotten that provision of appropriate educational services in the least restrictive environment is the legal standard to which school administrative units are required to comply. Those costs, like other education program costs, are subsidized by the State under the School Finance Law.

Recommendation #19: The Committee supports full compliance with the provision of appropriate educational services in the least restrictive environment as required by existing law. Innovative grants should be made available by DECS for model programs to accomplish that standard.

B. Factors influencing availability of programs

Members of the Committee in their deliberations on programs and services for students with learning disabilities personally observed programs in schools, discussed programs with nationally known experts and with departmental officials and consultants. Comments were also received from school administrators, special education directors, teachers, university professors, parents, advocates and learning disabled people. In our deliberations, it became clear that there is no one exemplary program (or even several of them) and that any well reasoned program can be successful if it has three critical elements.

First, competent, committed teaching staff (both regular classroom and special education) with manageable caseloads are necessary. See committee recommendations in Section III relating to training and certification of teachers. On the issue of teacher preparation, we note that while properly trained, certified and committed staff are essential to any educational program, such staff are exceedingly important for special education services in small rural districts which exist throughout Maine. That is so because in those districts the special education program is likely to be small and each teacher will have less access to colleagues for the collegial exchange of ideas and will, consequently, be forced to rely mostly on his or her own education and training.

Second, the unequivocal support of the building administrator for the PET process and the implementation of the IEP is essential. The Committee recognizes that many principals are vitally interested in and supportive of their special education staff and that it is impossible to legislate interest where it does not exist. Nevertheless, we feel that certain training and certification requirements for building administrators may prove helpful in this area (see Recommendations #1 and #13). In addition, since the PET meeting is such an important event in the school life of a student with a learning disability, it would seem reasonable that the building administrator of that student's school should be present at that meeting. Currently, departmental rules require only that one member be from the administrative staff.

Recommendation #20: The Committee recommends that the DECS amend its rules governing the PET meeting to require the presence of a building level administrator at that meeting.

The third element of any successful program for students with learning disabilities is community support. Without the strong support, not only of parents, staff and administrators, but the school board, municipal or town officials and the majority of the community as well, adequate funding for appropriate special education programs is difficult to obtain.

Part of the solution to garnering sufficient public support for special education services (and indeed, for all education programs) lies in creating a general public well informed as to the need for and benefits from such programs. The committee has found that there exists a core group of persons who are interested and informed on learning disabilities issues. However, it appears that among the general population who have not been affected personally or professionally by the educational needs of learning disabled persons, that same level of concern does not exist. Among the public generally, the only contact with special education services may come during annual school budget discussions. At that time, the special education program budget may seem unduly large to those in the community who have no direct contact with those programs. That is especially so when inevitable comparisons are made with other programs where the benefits are more readily apparent or which serve a greater number of students.

The problem of community support for special education is a difficult one to solve. The committee sees two possible ways to approach it. First, in our view, the key to more public support for special education programs lies in increased public information as to what special education is and why it is important, not only to exceptional students and their families, but to the whole community. To accomplish this will require a shift in focus and an expansion of responsibility by the Department of Educational and Cultural Services. Currently, the department's role is to implement the law by directing the school administrative districts as to their responsibilities. By all accounts, they are performing admirably. However, it may now be time, in order to achieve the level of local public support necessary to implement statutory requirements, for the department to take a more active role in marketing its product -- educational services. Toward that end, a public information program designed to highlight the importance of special education programs would be most beneficial. That program might consist of a series of informational public service announcements patterned after the Developmental Disabilities Council series, a set of brochures on special education topics, informational programs for local groups and organizations and training sessions for local officials.

Recommendation #21: The Committee recommends that the Department of Educational and Cultural Services undertake a public educational effort to inform the general public including school officials and student bodies as to what special education is and why it is important to the whole community.

The second key to better public support for special education programs lies in effective participation in the political process by persons concerned with special education issues. Sometimes, the only way for concerned persons to achieve results is through direct participation in the democratic process. Persons with such concerns should be prepared not only to express their views to appropriate school

officials and State administrators but to directly contact elected officials (school board members, town councilors or selectmen and state Legislators,) to indicate that the position of those officials on special education programs is important to the community. Coalitions can be formed in the community with other citizens interested in similar issues or in the improvement of education generally to more forcefully make the point. Better still, concerned citizens should be prepared to run for local and state office in order to reshape policies which they feel have deviated from their objective.

This Committee was established as a direct result of the expressions of concern of such interested and committed citizens. That is a sign that the system does work. This Committee is making a number of concrete recommendations which we feel will address many of the concerns raised by those interested persons. However, it is not our function to serve as a watchdog to see that those policies are implemented. That can best be accomplished by concerned citizens who are willing to commit time and energy to participating in the political process. The Committee encourages persons interested in learning disabilities issues to make a commitment to participate in the political process at the level and in the manner best suited to them to ensure that appropriate educational services are provided to the students with learning disabilities of their communities.

C. Early intervention

The Committee has heard conflicting views on the value of early intervention, but we are convinced that there can be no real dispute here. The issue, if there is one, is a matter of semantics. There seems to be no disagreement that students with learning disabilities who receive appropriate educational services early, as opposed to late, will derive maximum benefit from their educational program. The sensitive points with early intervention are, first, the difficulty of accurate identification and secondly, the stigma which may be attached to extra testing and the label "learning disabled" in the eyes of young students. We have addressed the issue of identification in Recommendation #17.

Recommendation #22: The Committee recommends that, within the context of the least restrictive environment, school administrative units provide intense and appropriate intervention as early as possible in a child's school career but that school personnel also take all possible precautions to assure that no harmful implications or stigmas are attached to the provision of those services.

2. Individual education program

Federal and State law requires the preparation of an Individual Education Program (IEP) for each student who has been identified by the PET as needing special education services in order to maintain his or her educational progress

or potential. The IEP must be prepared in writing by the school administrative unit's PET. The IEP is to be reviewed at least annually to determine its continued appropriateness.

Many parents speaking at the Committee's public hearings described problems with the IEP's prepared by their child's PET. The problems were of two types: (1) development of an inappropriate IEP for their child's needs and (2) failure to properly implement an otherwise adequate IEP.

The first commonly alleged problem with IEP's is more directly related to proper identification and evaluation techniques. See Committee Recommendations # 14 and 15.

Once the needs of a child with a learning disability are properly identified by the PET, it is the task of the IEP to see that appropriate educational services are provided. The second problem commonly cited by parents of children with learning disabilities is that the IEP is not properly implemented by the school administrative district.⁶

In our view, part of the problem which apparently results in inconsistent implementation of IEP's is the lack of understanding on the part of administrators and staff on how to implement the IEP. The Committee feels that a set of consistent and detailed guidelines should be developed by the DECS to assist in that implementation. Those guidelines could be directed at principals and special education directors who could then use them to monitor the programs being provided by their teaching staff. It is our feeling that most teachers will welcome monitoring designed to provide positive feedback on how well the IEP is being implemented in their classroom. In addition, in-service training programs on IEP implementation would be useful to administrators and teachers alike. The Committee understands that such training has been successfully provided by DECS in the past on a limited basis. However, due to departmental staff shortages it was discontinued resulting in that training becoming quickly outdated.

Recommendation #23: The Committee recommends that the DECS establish comprehensive statewide guidelines for the proper development and implementation of IEP's. Those guidelines shall be provided to school principals and special education directors with instructions on how they may be used to monitor and advise teachers in providing educational programs in accordance with the IEP. The Committee further recommends that the DECS institute a training program for school administrative units on IEP development and implementation.

3. Monitoring and compliance

The Committee feels , in general, that the existing scheme of law and rules at the State and Federal levels is sufficient, if strictly complied with, to provide appropriate educational services to the State's students with learning disabilities.

The problem is largely one of ensuring compliance with existing requirements. Under the EHCA, Congress has passed that responsibility on to state departments of education. The "carrot" to encourage school administrative districts to comply is a system of federal funding support for special education services; the "stick" is the threat of withholding that funding.

A. Monitoring special education programs by DECS

In Maine, the Department of Educational and Cultural Services has a procedure for monitoring each unit's special education program.⁷ However, in the Committee's opinion, the department is faced with a real dilemma in enforcing the EHCA. On the one hand, if during the monitoring process a unit is found to be providing inappropriate educational programming, to approve continuation of that program would mean that the student would not be receiving the appropriate public education in the least restrictive environment required by law. On the other hand, to disapprove the program with the resulting cut-off of funds would, at least in the short term, result in a decline in the meager educational services presently provided. What is needed is a different approach to encourage school administrative units to comply with existing requirements.

The Committee recognizes that no organization likes preparing for reviews by a supervising agency. Building on that common trait, we support a multi-tiered review process by which the frequency of review would be determined by the severity of violations found in the previous review and funding would not be cut off until completion of the review cycle. It is our feeling that a general 5-year review requirement should be established for all special education programs. (In fact, that 5-year cycle could be made to coincide with other departmental reviews taking place each 5 years.) The department should then establish, by rule, priorities for various categories of violations which would trigger re-review (on those violations only) at more frequent intervals. For example, failure to provide services identified in the IEP or failure of a student to progress to a less restrictive environment after a certain period could be a Category A (highest priority) violation. The school administrative unit would be reviewed on that particular violation again, for example, each year until rectified. Other categories of violation priorities and frequencies of review could be established. For some violations the school might be required to submit a plan for addressing the violations. Of course, if no violation is found in the initial review, the school would not be reviewed for 5 years. We feel such a monitoring system would provide a real incentive to school administrative units and a flexible tool to the department. The change from a 3-year to 5-year review cycle would free some review team time to concentrate on areas where violations have been found.

From the foregoing, it should be clear that the Committee is interested in more than mere paper or procedural compliance with existing laws and rules. While procedural aspects of the process are important, the more critical issue is whether exceptional students are receiving an appropriate free public education in the least restrictive environment. It is our feeling that all too often that is not happening and that the only way to ensure that it does is by a thorough review of each unit's program. The Department of Educational and Cultural Services is the state agency which must conduct that review.

Recommendation #24: The Committee recommends that the DECS review each school administrative unit's special education program on at least a 5-year cycle. Where violations of special education laws or rules, inadequately developed and implemented IEP's or lack of acceptable student progress are found, those aspects of the program shall be reviewed on a more frequent basis until corrected. The frequency of rereview shall be based on the severity of the violation.

B. Assignment to resource room

As mentioned earlier, in Maine the vast majority of students with learning disabilities are placed in a resource room for some part of their school day. In the resource room, they may share educational services with students having other handicapping conditions. Departmental rules limit to less than 50% the amount of a student's academic and behavioral instruction which may be received in a resource room. In fact, some observers contend that in some cases nearly all the academic instruction which a handicapped student receives takes place in the resource room. They feel that the 50% of the school day spent out of the resource room is devoted to non-academics, e.g., lunch, recess, and study hall.

It seems to the Committee that in some cases the resource room is used as a catchall placement for various special education students. On the one hand, mildly disabled students who would be best served in the less restrictive environment of the regular classroom may be assigned there for much of their academic instruction because of difficulty of providing services in the classroom. On the other hand, more severely disabled students who could benefit from more intensive services in, for instance, a self-contained classroom may be placed in a resource room for half the day because those services are not available in the unit.

To the Committee, use of the resource room in the manner just described is a subversion of the intent of the EHCA and the real purpose of the resource room. The resource room is intended to provide specific academic training which cannot be provided in the regular classroom. If a student is not receiving those specialized services, he or she should not be in the resource room merely because it is convenient. What is really needed is more careful attention to the specific

handicapping condition, its severity and impact on learning, and on developmental age. Less attention should be paid to chronological age. The more comprehensive special education review process identified in Recommendation #24 should help address this problem.

The foregoing does not mean that resource room assignment is inappropriate in all instances. There are many circumstances where the resource room is the only place where appropriate educational services can be provided. There are instances where students with different degrees or even types of disabilities may learn certain subjects at the same rate regardless of chronological age. What the Committee does mean is that school administrative districts need to pay closer attention to identification of specific learning disabilities and need to directly consider the individual student's profile of strengths and weaknesses while closely monitoring the student's progress in the resource room and elsewhere.

Recommendation #25: The Committee recommends that the DECS enforce current rules requiring that only students with mild to moderate learning disabilities be assigned to the resource room. The Committee further recommends that the rules be amended so that only students with similar academic and behavioral needs and abilities are served in the same resource room program.

C. Staffing of the resource room

Other criticisms frequently directed at the resource room deal with staffing. Those criticisms are of two types: First, the certification requirements for resource room teachers are insufficient to ensure that the students with a variety of handicapping conditions assigned to the resource room will receive appropriate educational services; and, second, that the staffing and caseload ratio for resource room teachers and assistants are likewise inadequate.

Student-teacher and caseload ratios are discussed in Section III on Training and Certification. With respect to resource room teacher certification, the Committee feels that any student assigned to a resource room ought to be able to expect educational services from a teacher certified in his or her identified area of exceptionality.

Recommendation #26: The Committee recommends that the DECS amend its certification and special education program approval rules to require that resource room teachers be certified in the area of special education to which a plurality of the students assigned to that room have been identified by their PET.

4. Transition services

A. Select Committee on transition

The Select Committee to Address Training and Employment opportunities for Handicapped Persons Beyond School Age in its report to the Legislature has found that:

"Every year approximately 1,000 special education students leave public school in Maine. Some do graduate, although that graduation doesn't necessarily mean that the student is prepared for life as an adult in the community. Many simply reach the age of 20 and are, by law, no longer eligible for special education. These students have continuing needs for education and training and must cross an uncertain gap to obtain needed services from adult service agencies.

"In Maine there is currently no overall systematic plan that provides a bridge linking the public school system with the system of adult service agencies. The planning and provision of services to handicapped youth by each system is now done quite independently, often with little or no communication or coordination between the separate systems. ...

"The problem continues to grow, despite a few programs that have demonstrated success. Handicapped youth still leave the school system each year with few or no plans for post-secondary services. These youth have been eased through a school system which is presently geared to produce college-bound and vocationally trained youth and which has not committed adequate resources to improve the employment and community integration prospects of all handicapped youth. The youth who leave our schools each year have unmet and continuing needs for the development of the skills, information, and values that will facilitate their success in the labor market and in the community. The major problems which affect Maine's, and the nation's, special education graduates are:

- lack of early and consistent career planning and vocational preparation;
- low expectations and awareness of how to meet needs for early career and life skills planning, both by students and society;
- lack of adequate coordination between education and adult service programs; and
- inadequate opportunities for suitable employment.

"To address these problems will require parents, educators and service providers to re-examine long held assumptions about what is appropriate for handicapped students. It will require dissolving the boundaries that now characterize our social

service system based on categorical funding. And, most importantly, it will mean adapting existing employment and training programs to accommodate larger numbers of handicapped young adults."⁸

As the foregoing illustrates, in recent years, there has been a growing awareness of the difficulties encountered by young people with disabilities (including learning disabilities) in making the transition from school to community living, employment and post-secondary training and study. Gradually, recognition has developed that learning disabled people do not outgrow their disability. Indeed, they face a long term challenge in acquiring employment skills, finding and keeping suitable work and in functioning in the community.

To successfully make the transition from school to adult life, most learning disabled people need assistance in acquiring special study, employment and social skills. Furthermore, it is increasingly apparent that the most appropriate time to begin providing those services is not when the learning disabled person is about to leave or has left the school system, but much earlier in his or her educational career.

The Select Committee to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age issued its Final Report to the 112th Maine Legislature in March 1986. That report contains a comprehensive range of recommendations to deal with gaps in the education, training and provision of life skills for handicapped young people. The recommendations cover most aspects of services and are both short and long-term in nature. Each recommendation specifies a target completion date and names a coordinating agency responsible for implementation.

Recommendation #27: The Committee recommends that the final recommendations of the Select Committee to Address Training and Employment Opportunities for Handicapped Persons Beyond School Age be implemented by the identified coordinating agencies and that the Select Committee or some other appropriate entity monitor the implementation schedule established in these recommendations.

B. Long range plan

The Committee feels that long-term planning for the transition of students with learning disabilities should begin not later than the middle school level. At that level, academic and vocational tendencies and talents should begin to be assessed. For those tending toward vocational pursuits, counselling on options should be provided. In addition, a long-term plan can begin to be developed which would provide

the necessary skills for the student to make the transition to employment following school. If necessary some traditional academic requirements ought to be modified to incorporate needed vocational training.

More students with learning disabilities are attending post-secondary institutions (see section 5 below). For students with learning disabilities who have academic tendencies, enhanced or modified counselling and academic programs may be necessary to adequately prepare for post-secondary study. Learning disabled students who are qualified ought to be counselled in assessing their potential for post-secondary study, informed of the availability of college programs for the learning disabled or other appropriate programs and encouraged to apply for admission to appropriate programs. Modification of high school classroom instruction methods may be necessary to enable students with learning disabilities to develop the skills and strategies necessary to succeed in post-secondary study. Independent study strategies, use of aids and graphics and organizational skills are among the types of needed additional instruction.

For both vocationally and academically oriented students with learning disabilities, certain life skills courses may be necessary for those students to function in the community on a daily basis.

Recommendation #28: The Committee recommends that, beginning at the junior high school level, the educational program for students with learning disabilities should include a long-range plan to meet the needs of that student for transition from school to adult life. The Committee further recommends that, where appropriate, the educational program for students with learning disabilities should include a vocational or post-secondary study preparation component and an independent living skills component. The DECS shall prepare guidelines to assist school administrative units in carrying out this recommendation.

5. Post-secondary services

Some students with learning disabilities choose to attend colleges or universities after secondary school. The numbers of those electing to do so appear to be increasing. Nationally, one percent of college freshmen enrolling in 1984 reported they were learning disabled.⁹ Several factors account for the increased level of participation by students with learning disabilities in post-secondary education: improved identification of children who are learning disabled, provision of appropriate special education in elementary and secondary schools, the attainment of college age by those who were provided an elementary and secondary education with

necessary support services, and the growing awareness in post-secondary institutions that providing necessary support services for such students may allow them to succeed in post-secondary study.

Although data are difficult to obtain, presumably more Maine students with learning disabilities are becoming interested in applying for post-secondary study paralleling the national trend. As that occurs more and more such students will be disadvantaged by the use of standardized test scores for admission to colleges, universities, or vocational institutes. The Committee is concerned that many average to bright, motivated, learning disabled young people who, because of special educational services in elementary and secondary schools have met academic success, but who, because of their learning disability do not test well, will be unfairly treated when applying for admission for postsecondary study.

A. Admission criteria

One way to avoid unfair treatment in the admission of students with learning disabilities would be to end the use of standardized tests as a criterion for acceptance to post-secondary institutions. Some colleges and universities recognizing the problems inherent in standardized tests have already ceased using them as a general requirement for admission. However, in Maine it appears that public postsecondary institutions, including all campuses of the University and the VTI's, still require all applicants to take standardized tests for admission.

In 1983, Massachusetts became the first state in the nation to enact legislation prohibiting the state's public post secondary institutions from requiring diagnosed developmentally disabled applicants from taking standardized entrance examinations. This Committee feels that such a course of action has much to recommend it.

Recommendation #29: The Committee recommends that legislation be enacted which would prohibit the University of Maine System, the Maine Maritime Academy, and the Vocational Technical Institutes from requiring standardized tests for the admission of diagnosed students with learning disabilities to their programs.

B. On-campus services

As more students with learning disabilities enroll at post-secondary institutions in the State, a question is raised concerning the ability of those institutions to adequately meet the educational needs of students with learning disabilities on their campuses. Nationally, many colleges and universities are becoming aware of this problem and are beginning to offer specialized services for their students with learning disabilities.

Recommendation #30: The Committee recommends that the University of Maine System, the Maine Maritime Academy and the Vocational Technical Institutes:

1. Develop and implement a policy to identify students with learning disabilities at time of admission.
2. Establish a comprehensive plan of staff development to provide appropriate training to existing and incoming staff to meet the needs of students with learning disabilities.
3. Provide reasonable programs and support services so that students with learning disabilities have an equal opportunity to achieve maximum benefit from their post-secondary education. Examples of such programs and services might include, but are not limited to: special orientation to the campus, faculty and facilities, personalized instruction in post-secondary study techniques and skills, extended time or other appropriate test-taking arrangements and reduced foreign language requirements.
4. Develop a program to enhance awareness on part of the rest of the student body of learning disabilities and related special education issues.

C. Private institutions

The above two recommendations are directed toward the State's public institutions of postsecondary education. In Maine, a significant portion of higher education is offered at private institutions. Section 504 of the Federal Vocational Rehabilitation Act prohibits discrimination in educational services offered to the handicapped by institutions receiving federal funds which includes nearly all private colleges.

Recommendation #31: The Committee recommends, consistent with the Vocational Rehabilitation Act and with national and state trends, that private postsecondary institutions which have not already done so adopt and implement policies with respect to admission testing and provision of services consistent with recommendations #29 and 30.

6. Family support services

PL 94-142 and related State and Federal regulations require full notification of the parents of a student with a learning disability (also of other students needing special education services) of their right to participate in the identification and evaluation of their child as learning disabled (or otherwise needing special services) and in the development of an Individualized Educational Program (IEP) for that child. A full explanation of the procedural safeguards available to the parents is also required as is notice of their right to bring

other participants (advocates) to the IEP conference. Despite the availability of such notice and procedural safeguards, the Committee was struck at the public hearings by the numbers of parents who expressed a lack of awareness of what their rights are. Those parents expressed support for the roles played by the Division of Special Education in the Department of Educational and Cultural Services, the Advocates for the Developmentally Disabled and the various parent support groups which have evolved, throughout the State. Each of these entities fills an important role in the process. However, it is apparent that many parents are inadequately informed of their rights.

Recommendation #32: The Committee recommends:

A. That the DECS, in consultation with appropriate agencies such as the Advocates for the Developmentally Disabled, the Developmental Disabilities Council, etc., develop a public service announcement to provide information to parents of students with learning disabilities on their rights and the availability of support and advocacy services.

B. That the DECS, again in consultation with appropriate agencies, develop an informational brochure that would be disseminated as a follow-up to responses to the public service announcement. The brochure would include a general description of learning disabilities, and of the support and advocacy services available, including names, addresses, and phone numbers of contact persons.

VI. FISCAL IMPLICATIONS

The Committee recognizes that some of our recommendations contained in this report will cost money. The increased costs stem principally from three factors. First, to the extent that our recommendations require the DECS and State Board of Education to adopt and enforce rules, develop and disseminate guidelines and informational materials, and conduct studies and report on their results, there will obviously be a corresponding increase in the department's personnel and monetary requirements. We have carefully pared our charge to DECS to what we feel is the minimum. We have also reviewed the department's projections of increased costs associated with those recommendations.

The projected costs are certainly significant. Nevertheless, we feel that the recommended services and the funding required to provide them are the minimum necessary to provide required educational services. It is clear to the Committee that, if new duties are assigned to the department without an appropriation to cover the cost of performing those duties, the required services will not be provided. In the past, additional responsibilities have been legislated for the department without a corresponding appropriation. In such

cases, the assumption presumably has been that existing staff or federal dollars could be used to carry out the additional duties. It seems to us that Division of Special Education staff have been stretched to the limit by existing duties. To carry out the tasks which we are now recommending will truly require appropriate funding.

Recommendation #33: The Committee recommends that the costs associated with the increased responsibilities recommended to be delegated to the DECS and State Board of Education be given highest priority by the Legislature in its funding decisions for fiscal year 1987-88 and that no additional staff responsibilities be assigned without making a corresponding increase in resources available.

The second source of increased costs is the increased commitment to providing special education training recommended for the University of Maine System. Again, we have reviewed our recommendations in this area and feel that each is necessary to adequately prepare regular classroom and special education teachers. Some of our recommendations are supported by other Maine studies.

The third factor tending to lead to increased costs is that development and enforcement of binding requirements by DECS will increase the special education programs and services which school administrative units must provide, thereby increasing their education costs. We realize that there is much talk these days about the increased costs associated with various educational reforms. Our recommendations are designed, in fact, partially to ensure that with all the emphasis on educational excellence that the special needs of exceptional students are not neglected. We think the people of this State have a legal and moral obligation to make sure that does not happen.

VII. RELATED ISSUES

In addition to the findings and specific recommendations outlined in the preceding section of this report, the Committee became aware of other issues which it was unable to research extensively or develop completely. Nevertheless, the Committee found these issues to be important and supports the following:

A. On occasion the Committee found it difficult to obtain information which it assumed would be readily available. Therefore, the Committee recommends that DECS review its data collection procedures with a view toward gathering, storing and analyzing data in a way that makes information more readily available. Two examples are the undergraduate and graduate training for certified teachers and types of in-service training programs.

B. Many hours over and above those spent in the classroom are required of the members of the PET in developing the IEP. Recognizing that issues of compensation are local in nature, the Committee, nevertheless, recommends that school administrative units give serious consideration to providing additional compensation for PET members. The Committee feels such a practice would be consistent with the generally accepted policy of additional pay for faculty participation in extra-curricular activities.

C. To address the need for additional special education teachers in our schools, the Committee supports continuation of the Blaine House Scholars Program, and especially the loan forgiveness for teaching in underserved subjects.

D. As noted earlier, the Committee was established to address the needs of students with learning disabilities. In developing our recommendations, it became clear that some improvements were necessary to fulfill the legal mandate of an appropriate, free public education for students with learning disabilities. Often it seemed inappropriate to single out students with learning disabilities and their needs. In those cases our recommendations for improvements are couched in general terms applying to all exceptional students.

FOOTNOTES

- 1 Rydell, Gage, Colnes; Teacher Recruitment and Retention in Maine; February, 1986, p. 47.
- 2 Federal regulations (34 CFR 300.5.b.9) define learning disability as follows:

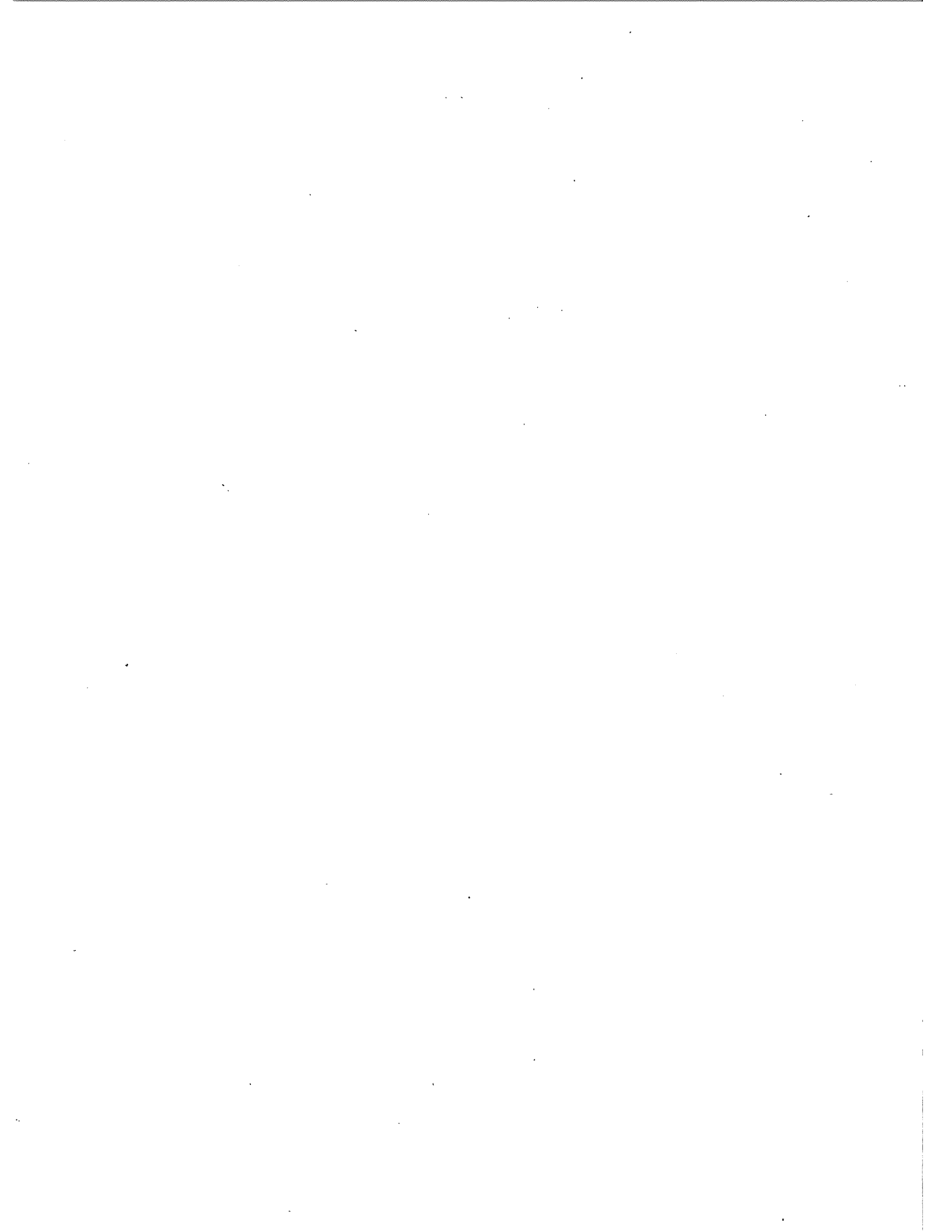
(9) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental cultural, or economic disadvantage.

DEC rules (101.6(E)) use the term "specific learning function" instead of learning disability. That term is defined as:

"Specific Learning Functions" - The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.
- 3 James C. Chalfant, Identifying Learning Disabled Student: Guidelines for Decision making, December, 1984, p.87
- 4 Anthony D. Chiappone, An Analysis of Procedures and Practices in the Identification and Education of Specific Learning Disabled Students in Maine, March 1986, p. 17
- 5 U. S. Department of Education, Office of Special Education and Rehabilitation Services, Sixth and Seventh Annual Reports to Congress on the Implementation of Public Law 94-142, The Education of All Handicapped Children Act.

- 6 It should be noted that the Committee's perception of problems related to the IEP are based principally on testimony by parents at three public hearings held around the state in January 1986 and on written comments submitted in the month following those hearings. It is not based on statistical surveys or other hard data collected by the Committee. The Committee recognizes that criticisms will be the most common type of comment received in such forums and that satisfied parents are unlikely to take the time to submit favorable comments in support of the status quo. The Committee further recognizes that several thousand IEP's are developed and implemented without serious complaint each year. Nevertheless, the expression of public concern which resulted in the formation of this Committee and the common theme which ran through the public hearing testimony indicates to us that a problem does exist and needs to be addressed.
- 7 The monitoring procedure consists of an on-site review by the visiting team. The visiting team consists of a departmental representative and several volunteers who are frequently special education directors, teachers or consultants. Each school is reviewed on a 3-year cycle. The review examines the planning and development of special education programs by examining random student records and interviewing administrators and selected special education and regular classroom teachers.
- 8 Select Committee to address Training and Employment Opportunities for Handicapped Persons Beyond School Age; Preparing Handicapped Youth in Maine for Fully Integrated lives; March, 1986.
- 9 Higher Education and the Handicapped Resource Center, "Fact Sheet on Learning Disabled Adults in Postsecondary Education," updated Fall 1985.
- 10 Although this recommendation addresses only the issue of admission of students with learning disabilities to postsecondary educational institutions because the needs of students with learning disabilities are the focus of this Committee, we also endorse application of the recommended legislation to other developmental disabilities as well.

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY SEVEN

AN ACT to Implement the Recommendations of the
Joint Select Committee for Learning Disabled Children.

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

Sec. 1. 20-A MRSA §4502, sub-§5 is amended by adding a new
¶M reading:

M. Development and implementation of a plan utilizing a
team approach within the school to address the needs of
problem learners prior to referral for special education
services.

Sec. 2. 20-A MRSA §7202, sub-§§4 and 5 are amended as
follows:

4. Plan. Submit a plan ~~for its special education~~
~~programs~~ to the commissioner for approval in accordance with
rules established by the commissioner showing how appropriate
special education programs are to be provided to exceptional
students.

5. Special education services. Provide appropriate
special education services for each exceptional student within
its jurisdiction, including the provision of staff with
background and training in special education issues.

Sec. 3. 20-A MRSA §7202 is amended by adding a new section
as follows:

7-A. Administrator on pupil evaluation team. Assure that a building level administrator be present at each pupil evaluation team meeting.

Sec. 4. 20-A MRSA §7204, sub-§4 is repealed and replaced with the following:

4-A. Program approval. Shall approve plans for all special education programs. The criteria for approval include:

A. Identification, evaluation and placement procedures, including make-up of the pupil evaluation team;

B. Qualifications of staff, including appropriateness of teacher certification to the student population served;

C. Plan for instruction, including the requirement that only students with similar academic and behavioral needs and abilities be served in the same program;

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

E. Adequacy of facilities;

F. Adequacy of support services;

G. Professional supervision; and

H. Student-teacher and caseload ratios

4-B. Program review. Shall review all special education programs on a regular basis. Programs not meeting the program approval criteria of subsection 4-A and rules promulgated thereunder shall be allowed a reasonable amount of time to comply. A schedule for frequency of review of programs not meeting approval criteria shall be established by department rule. The frequency of review shall be based on the type and severity of the violation.

Sec. 5. 20-A MRSA §10902 is amended by adding a new sub-§19 reading as follows:

19. Admission requirements for learning disabled students. Public institutions of higher education, including campuses of the University of Maine System, Maine Maritime Academy and Vocational Technical Institutes, shall not require a person identified as learning disabled under the procedures provided by chapter 303 and rules promulgated thereunder, or equivalent procedures, to take any standardized test in order to gain admission to that institution.

Sec. 6. Department of Educational and Cultural 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:

a. A study of the issue of maximum caseload and student-teacher ratios and adequate clerical assistance for special education teachers. That study shall address: (1) the need for lower caseload and student-teacher ratios for resource room teachers and for speech and language clinicians, and (2) innovative approaches to provide additional clerical assistance to special education teachers. The department shall report its findings to the Joint Standing Committee on Education in January, 1988.

b. A study of the need for an expanded school year for teachers. The study should assess the need for expanding the school year for appropriate staff in-service training, including training on special education issues. If found necessary, the study should suggest ways of achieving and financing the expansion and necessary implementing legislation. The department shall report its findings to the Joint Standing Committee on Education in January, 1988.

Sec. 7. Department of Educational and Cultural Services to provide technical assistance, guidelines and training. In order to assist school administrative units in carrying out their responsibilities under special education laws and rules, the department, in consultation with the State Board of Education, appropriate University of Maine officials and other interested persons, shall:

a. develop training materials designed to provide basic competencies for conditionally certified special education teachers to allow them to function professionally in their classrooms. Those training materials should take into account recent innovations in technologies to facilitate training in rural areas;

b. establish comprehensive statewide guidelines for the proper development and implementation of IEP's. Those guidelines shall be provided to school principals and special education directors with instructions on how they may be used to monitor and advise teachers in providing educational programs in accordance with the IEP. Department of Educational and Cultural Services shall also institute a training program for school administrative units on IEP development and implementation;

c. develop guidelines for development of plans by school administrative units for the transition of learning disabled students from school to adult life;

- d. to develop a public service announcement to provide information to parents of students with learning disabilities on their rights and the availability of support and advocacy services;
- e. develop an informational brochure to be disseminated as a follow-up to responses to the public service announcement. The brochure would include a general description of learning disabilities, and of the support and advocacy services available, including names, addresses, and phone numbers of contact persons;
- f. undertake a public educational effort to inform the general public including school officials and student bodies as to what special education is and why it is important to the whole community.

Statement of Fact

This bill is the result of a study of the educational needs of learning disabled children conducted by the Joint Select Committee for Learning Disabled Students. The Joint Select Committee was established by Chapter 43 of the Resolves of 1985. Committee findings and recommendations are discussed in detail in its final report issued in December, 1986. The report covers identification and evaluation, programs and services, and personnel training and certification issues.

Section 1 of the bill adds a new provision to existing basic school approval requirements. The State Board of Education and the Commissioner would be required to adopt minimum standards which school administrative units would be required to comply with regarding the development and implementation of a school plan using a team approach to identify and serve the needs of problem learners before they are referred to special education programs. This is patterned after an approach which has been tested nationally. It is designed to meet the educational needs of students who have learning problems but who are not learning disabled and to do so within the regular classroom. Such an approach is less costly than providing special education services, will not stigmatize the student involved and will free up special education services to students who truly need them.

Sections 2 and 3 of the bill amend the duties of school administrative units with respect to special education programs. School units would be required to (1) provide in the special education plan already required to show how appropriate educational programs are to be provided to special education students; (2) provide staff with background and training in special education; and (3) assure that a building level administrator be present at each pupil evaluation team meeting.

Section 4 of the bill expands the criteria to be used by the Commissioner in approving special education programs to include (1) identification, evaluation and placement procedures; (2) consideration of the appropriateness of the certification of special education teachers to the student population served; (3) requiring that only students with similar academic and behavioral needs and abilities be served in a program; and (4) requiring periodic screening to assess student progress.

Section 5 of the bill prohibits public institutions of higher education from requiring a person identified as learning disabled to take standardized tests in order to gain admission.

Section 6 requires the department, in conjunction with the state board and the university, to conduct related studies and report to the Joint Standing Committee on Education in January, 1988.

Section 7 requires the department, in conjunction with the state board and the university, to provide technical assistance, develop guidelines and offer training programs to assist school administrative units in carrying out their special education responsibilities.

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