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STATE OF MAINE  
112TH LEGISLATURE  
SECOND REGULAR SESSION

INTERIM REPORT  
OF THE  
JOINT SELECT COMMITTEE  
FOR  
LEARNING DISABLED CHILDREN

MARCH 1986

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INTERIM REPORT  
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I. INTRODUCTION

In October of 1973, LD 965, "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 exceptional children and state funding to support this right. The Maine Department of Educational and Cultural Services, Division of Special Education drafted regulations and guidelines under LD 965 and published them in January 1984.

Passage of the landmark Education for All Handicapped Children Act (P.L. 94-142) by Congress in 1975 represented an attempt to establish the minimum educational rights of handicapped children at the federal level. 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,

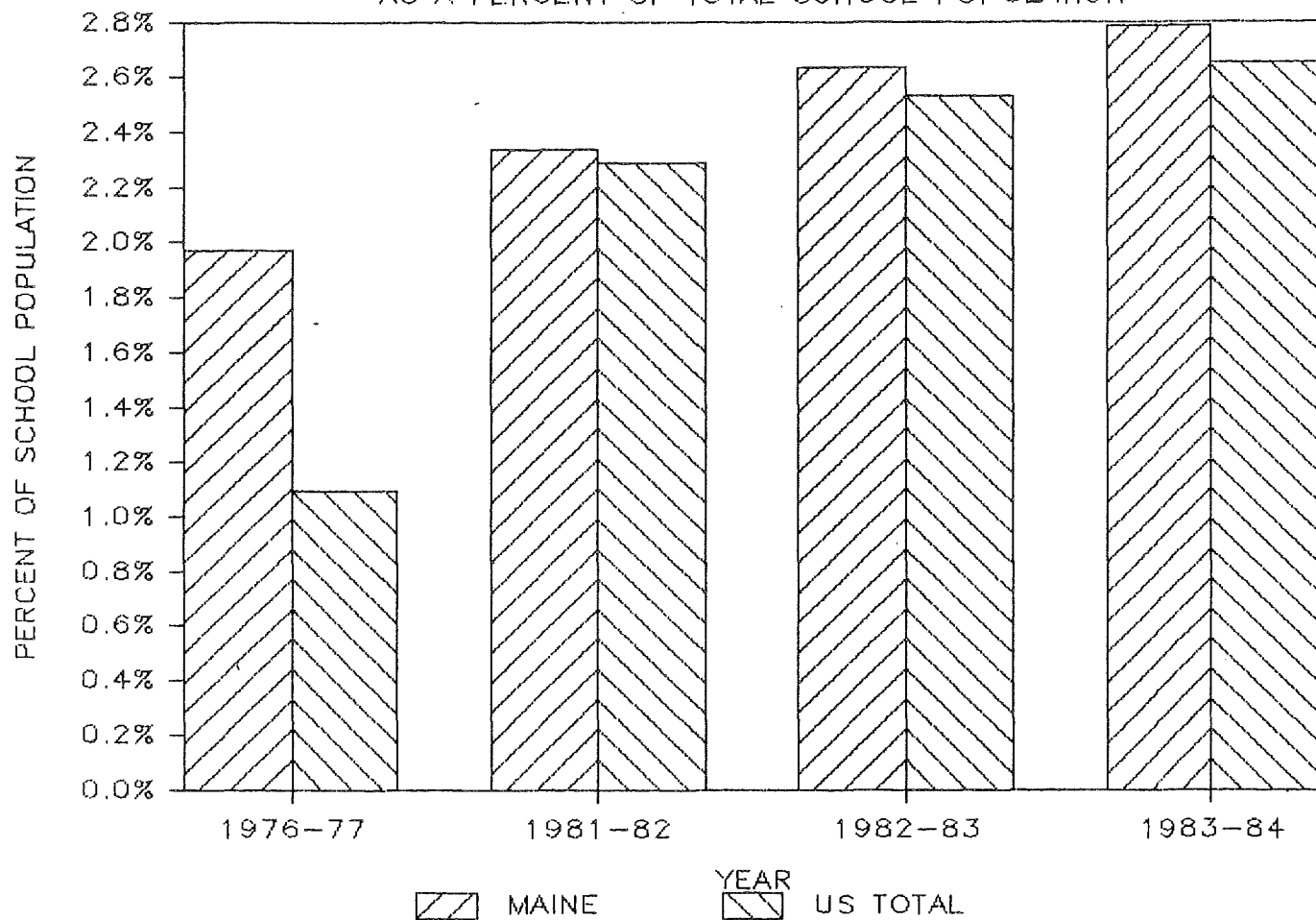
\*The Committee has found that disagreement exists as to what term should be used and how it should be defined. See the discussion in identification and evaluation in Part III.

the number of students labelled as learning disabled increased from 797,213 in 1976-77 (1.1% of the total school population or 21% of the total school handicapped population) to 1,811,849 in 1983-84 (2.6% of school population or 41% of the school handicapped population). During that same period the learning disabled student population in Maine also increased steadily, if less dramatically. There were 7,261 learning disabled students identified in Maine in 1976-77 representing 1.98% of the total school population or 31% of the school handicapped population. By 1983-84, the total had risen to 9,465 which constituted 2.8% of the school population and 35% of the school handicapped population. See Tables 1 & 2 showing identification rates of learning disabled students 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 programs 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, 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.

TABLE 1

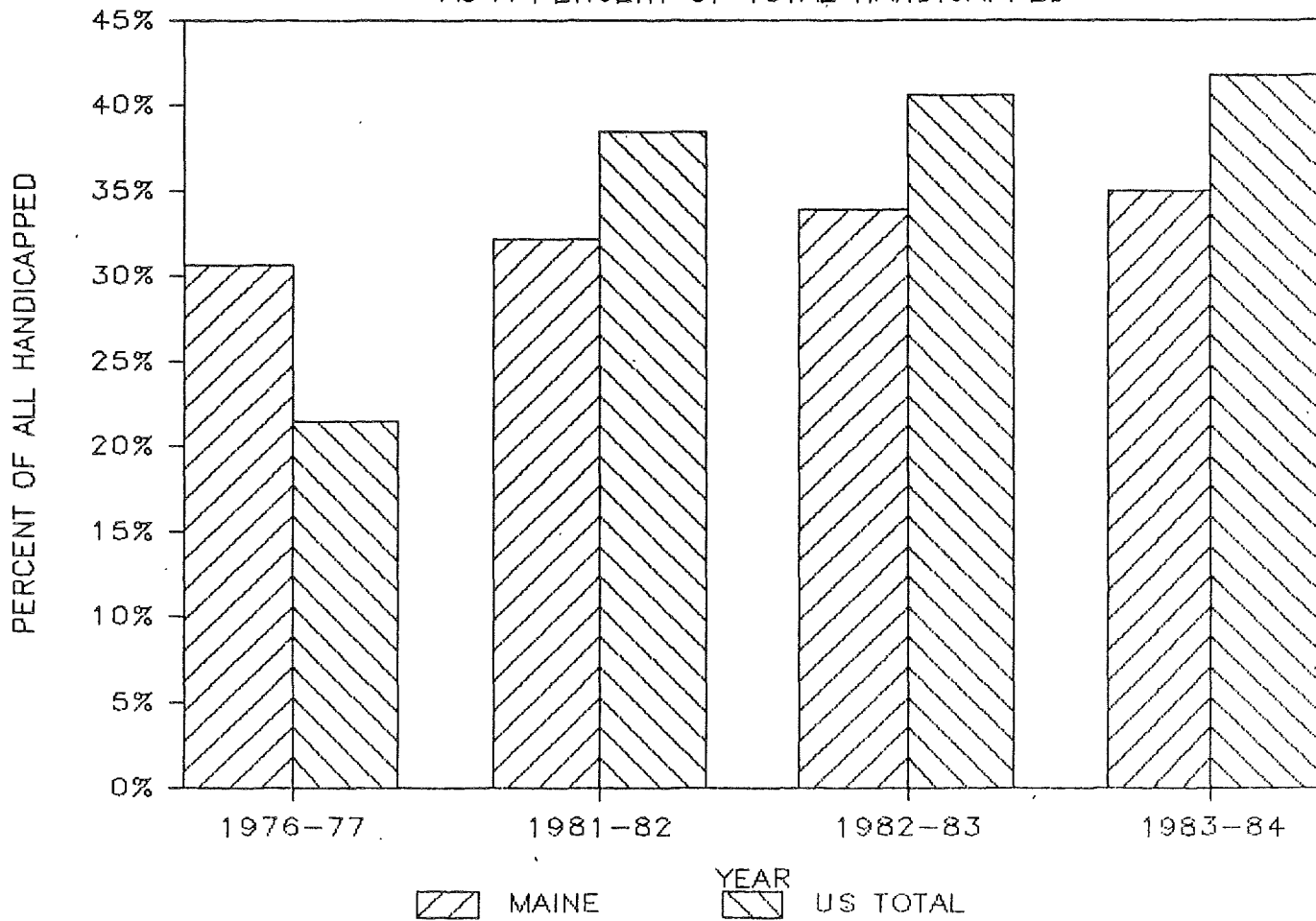
# IDENTIFICATION RATES FOR LD STUDENTS AS A PERCENT OF TOTAL SCHOOL POPULATION



Source: U.S. Department of Education, Office of Special Education and Rehabilitation Services (1984); 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: (Same as Table 1)

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 learning disabled students, 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 learning disabled students;
4. Develop recommendations for coordinated state-wide approach to the identification, evaluation and instruction of learning disabled students;

Three public hearings were required to be held around the State to receive comments from interested persons. A final report was to be issued by January 1, 1986.

## II. JOINT SELECT COMMITTEE

The Joint Select Committee for Learning Disabled children, as created by Chapter 43, has a diverse membership consisting of individuals or representatives of various groups concerned with the educational needs of learning disabled children. 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 Children; 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 this report.

### III. COMMITTEE DELIBERATIONS

From the outset, the Committee has been impressed with the importance and the enormity of the task with which it is charged. In order to thoroughly address the problems related to providing educational services to learning disabled students in Maine, 4 major areas of concern were identified. Those areas were based on the experience and expertise of committee members and on comments received during the public hearing process.

The 4 major areas of concern, which closely parallel the tasks assigned by the Legislature, are: (A) the pre-service preparation and certification of personnel responsible for providing services to learning disabled children; (B) in-service training needs and options for those providers; (c)

techniques and procedures for the identification and evaluation of learning disabled students; and (d) the availability of appropriate educational programs and services for learning disabled children. Within each of these major areas of concern, several more specific issues were identified. Those specific issues are discussed below. It is also important to note that, although the Committee's deliberations and this report focus on learning disabled students and services, many of the issues identified also apply equally to other disabilities.

A. Pre-service preparation and certification

Discussion by the Committee and comments received from the public on this issue focused primarily on elementary and secondary school teachers -- both regular classroom and special education. However, some concerns were raised with respect to the training and certification needs/requirements for other professionals involved in the identification, evaluation and instruction of learning disabled students. A concern was also raised over the need for training post-secondary faculty (university and VTI) to deal with learning disabled students.

1. Regular classroom teachers

It is generally recognized that the regular classroom teacher plays a pivotal role in the education of learning disabled students. 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 of the regular classroom teacher, it is especially important that he or she have training in the needs of learning disabled students and be encouraged to apply that training with those students in the classroom. The Committee received testimony that such is not always the case.

Recommendation: Specific areas which the Committee feels need to be addressed in future deliberations are:

- Identifying and addressing the needs of learning disabled students in the regular classroom
- Awareness of assessment instruments and the implications of their use for implementing educational programs in the regular classroom.
- Ways of encouraging the University to offer the necessary courses at appropriate locations.
- A Special Commission to Study Teacher Training within the University System was signed by the Governor in February. Although the tasks assigned to that Commission are far reaching and complex, this Committee recommends that the Special Commission review the special education training needs of regular classroom teachers as part of their study. This Committee stands willing to work with the Teacher Training Commission to see that this important issue receives attention.

## 2. Special education teachers

Several special education directors (especially in rural areas) related the difficulties they have had in hiring certified special education (including learning disabled) teachers. The Committee also understands that the University of Maine System is currently experiencing a decline in enrollment in special education programs. There is a feeling that many of the State's special education teachers are not trained at the University forcing school units to rely increasingly on out-of-state trained teachers. These phenomena, if documented as definite trends, present very serious implications for all special education programs in the State.

Recommendation: The Committee recommends that further documentation be obtained and, if warranted, serious consideration be given to ways of reversing those trends.

Numerous comments received by the committee concerned appropriate undergraduate training and experience requirements for special education teachers. The comments were varied and proposed many diverse requirements. The committee feels it has insufficient information to advocate specific training requirements for special education teachers at this time.

Recommendation: The committee recommends further consideration of the training needs of special education teachers. Toward that end, it would be desirable if a group of experienced and interested persons could be convened to review the issue and report its findings to the committee. Such a group might consist of University special education personnel, special education directors, Division of Teacher Placement and Division of Special Education staff members.

### 3. University of Maine special education curriculum

Comments were received at the public hearings on the inconsistency in special education courses between campuses of the University. This was seen as a shortcoming resulting in lack of cohesion in the provision of services when those special education teachers educated in the University System are hired by school systems throughout the State.

The Committee recognizes that course offerings and content are entirely within the purview of the University and its faculty. However, there are steps which may be taken to identify whether a problem exists and, if so, to encourage the University to address it.

Recommendation: The Committee recommends that consideration be given to the development by the University of a policy which would encourage review of current graduate and undergraduate special education programs in light of current research findings and further encourage course offerings, so far as practical, to be coordinated between campuses in accord with that research. Once again, assembling a group of experienced and interested persons to consider the issue and make recommendations would be beneficial. In this case that group should report its findings to University officials.

Recommendation: The Committee recommends that more practical in-school experience be provided in the preparation of special education teachers.

#### 4. Certification of special education teachers

Two areas of concern have been identified concerning certification of special education (including learning disabilities) teachers. First, is the "conditional" certification of special education teachers without the required credentials. Many parents and Committee members fear that such certification inevitably results in inappropriate or ineffectual instruction for all special education students. Some statistics are illustrative. Although special education teachers represent 10% of the total certified teachers, they represent 28% of those who

are conditionally certified. (See Table 3) Furthermore, the percentage of conditionally certified teachers who are LD certified has increased from 38% in 1982/83 to 53% in 1984/85. This situation is a result of the shortage of special education teachers discussed in section 2 above.

Recommendation: Given the shortage of special education teachers, a conditional certification policy like the present one is a necessity; however, the committee recommends that consideration be given to development of a system for supervision of conditionally certified teachers during the period of conditional certification.

The second concern related to certification is the impact which the new state certification law will have on special education teachers. The new law is currently being tested in pilot projects in 20 school systems around the State. So far, it seems that little consideration has been paid to the particular situation of special education teachers in the new certification and recertification process. Of particular concern is the question whether, in the case of special education teachers, the evaluation teams required by the new law and rules will be comprised of individuals knowledgeable about special education instruction. Special education teachers fear that if the teams are not so comprised (and in small schools there may

TABLE 3

CERTIFIED AND CONDITIONALLY CERTIFIED TEACHERS, SPECIAL  
EDUCATION TEACHERS AND LEARNING DISABILITIES TEACHERS

CERTIFIED TEACHERS

	TOTAL CERTIFIED	SP ED	% of TOTAL CERTIFIED	LD	% OF SP ED CERTIFIED
1982/83	14,253	1344	( 9% Total)	683	(51% of Sp Ed)
1983/84	14,496	1424	(10% Total)	711	(50% of Sp Ed)
1984/85	14,881	1534	(10% Total)	data available	

CONDITIONALLY CERTIFIED TEACHERS

	TOTAL COND. CERT	SP ED	% OF TOTAL COND. CERT.	LD	% OF SP ED COND. CERT.
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)

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)



not be enough special education teachers to fill that role), the teachers being reviewed will not be fairly evaluated for career advancement.

Recommendation: The Committee recommends that the Committee meet with the State Board of Education to insure that these special education concerns are addressed in the certification process.

5. Training and certification of professionals other than teachers

In addition to teachers, several other groups of professionals, play an important role in the identification, evaluation and instruction of learning disabled students. First and foremost is the building administrator. It is he or she who, above all, sets the tenor for all types of programs offered in the school. If the principal is supportive of his or her special education staff, innovative solutions may be worked out at the local level to many of the roadblocks hampering the provisions of services. Finally, the principal is responsible for assessing each teachers' work. To do so, some grounding in what that teacher's job entails is necessary. Special education directors and those responsible for evaluating special education needs are other professionals whose credentialing may need review.

Recommendation: The Committee recommends that additional consideration be given to whether additional groups of professionals need training and certification/licensing standards, what those standards ought to be, and the ramifications of imposing such standards.

#### B. In-service training

Numerous comments were received at the public hearings concerning the need for both regular classroom and special education teachers to engage in continuous upgrading of their skills in teaching learning disabled students, especially in light of considerable recent scholarly research in the field. For both regular classroom and special education teachers, the discussion and recommendations presented in section A-1 above also applies to in-service training.

In addition, for special education teachers, comments also centered on the availability of desired courses in the University System and the geographical distribution of courses throughout the State. Again, the courses to be offered and when and where they are to be offered is a decision which should be made by the University.

Recommendation: The Committee recommends that University officials and other experienced and interested persons examine the issue of coordination of special education teacher training

programs in the University System to determine appropriate action. Perhaps that examination could be coordinated with the review recommendation action A-3 above.

C. Identification and evaluation of learning disabled children

Identification and evaluation is the critical step in providing appropriate educational services to learning disabled students. Until a child has been identified as learning disabled and evaluated as to what services are necessary to address his or her disability, special education services are unlikely to be provided. Because it is such an important step in the process, it is also the point where disagreement most often arises. Many of the comments heard by the Committee concerned disputes between school administrators and parents as to whether their child ought to be identified as learning disabled and, if so identified, whether the child had been properly evaluated as to what services should be provided.

1. Terminology, definition and criteria

Nationally, many studies have focused on the various terms used to identify the condition known as learning disabled, how that term should be defined and, once defined, what criteria should be used to determine eligibility for services. Nationally, there have also been reports of over-identification of learning disabled students based on accepted definitions and criteria.

Indeed, the Committee received public comments on each of these issues. While the issues of terminology, definition and criteria do appear to be causing some problems in Maine, in the Committee's view, the more important issue is the consistent application of the terminology, definition and criteria throughout the State.

## 2. Local identification and evaluation practices

The Committee heard many complaints about the way local school units apply the definition and eligibility criteria in individual cases. The Department of Educational and Cultural Services has established rules for the process of identification and evaluation of learning disabled students, but it is up to local school units to develop their own eligibility criteria to implement those rules. The result appears sometimes to be an inconsistent application of the rules between school units. Two criticisms which the Committee heard often were: (1) a child who is learning disabled in one school system may not be identified as such in another, and (2) a school system which is legally responsible to provide an appropriate education will be reluctant to identify a child as needing educational services which it does not have the resources to provide. This often results in the placement of a learning disabled student in a low track for his or her grade.

If true, the Committee finds such situations unacceptable. As a matter of basic fairness, the availability of an appropriate educational program should not depend on where the child lives or, on what services are currently available in his or her school unit. At the same time, the Committee is aware that a State imposed standard could be inflexible and could cause severe hardship on some school units.

Recommendation: The Committee recommends that this issue receive more analysis in order to weigh the competing interests and to attempt to come up with equitable solutions. In its deliberations the committee will consider exemplary policies in Maine and other states and examine the need for development of guidelines by the Department of Educational and Cultural Services.

### 3. Testing procedures

Numerous tests are available to assess various skills and abilities. While state and federal law require, that no single test should be used as the basis for diagnosis, some commentators were critical of a tendency to overtest. The Committee heard conflicting testimony on whether tests were best administered at the local level or by outside testing teams and whether outside test results paid for by the parents ought to be accepted by the school.

Recommendation: The Committee recommends further study of testing issues in order to formulate recommendations.

#### 4. Early intervention

Some disagreement arose during the course of the hearings on the benefits of early intervention. Some testimony questioned the benefits of intervention at an early age (K-1) in the form of extensive testing. The idea being that such intervention sends a message to the child that he is different from his peers -- a message that he or she would be better able to deal with at a later age. On the other hand, some speakers felt that the earlier a child is diagnosed and remediation started the less a child is stigmatized by being considered "dumb" or "slow" because it is more likely he or she is going to be able to successfully deal with the learning disability. In their view, if a learning disabled child is not identified early and provided with an appropriate educational program, his or her self-esteem will suffer. This, in turn, may lead to emotional or behavioral problems further inhibiting educational efforts.

Some special education directors and teachers testified that it is difficult to accurately identify learning disabled children before the second grade because before that age it is hard to establish the "severe

discrepancy" criteria usually required to demonstrate the existence of a learning disability. The point at which intervention is most appropriate needs to take into account the degree of disability. Where early identification is possible, the cooperation of the parents, the Pre-school Project and the local school unit is necessary to plan effectively to provide appropriate programs for the student entering the early grades.

Recommendation: More work (including review of current research and models) is necessary by the Committee before recommendations as to the appropriate means for early intervention are possible.

#### D. Programs and Services

The Committee received considerable comment on the appropriateness of educational programs and services available to learning disabled students in Maine -- both diagnostic and evaluation services and educational program services.

##### 1. Continuum of services

One of the needs stressed in the public hearing testimony is the need for a continuum of services for learning disabled students. Depending on the severity of the learning disability involved, the level of educational intervention needed by the child differs. On the lower end

of the programming spectrum, the student may receive remediation in the regular classroom. Students who are somewhat more learning disabled may require resource room or other special instruction for at least part of the day. On the upper end of the spectrum, a self contained classroom or residential placement may be needed.

It is evident that due to cost, and other factors, the necessary continuum of services is not always available.

Recommendation: The Committee will consider in more detail alternative ways of providing those services before making recommendations on this area. Perhaps there are exemplary projects in or out of state to provide useful examples for Committee consideration. Consideration must also be given to how those alternatives would be financed.

## 2. The IEP process

Clearly development and implementation of an adequate Individual Education Program is critical to providing an appropriate education to learning disabled students. Thousands of IEP's are developed and successfully implemented each year. Nevertheless, a sufficient number of problems have arisen in this area to warrant further consideration by the Committee. Problems connected with the development of the IEP often are related to the identification and evaluation issues discussed in paragraph



C above. In addition, some parents are critical of the process by which IEP's are developed because there are no statewide minimum standards. Although the Department of Educational and Cultural Services reviews IEP's, the examination is generally procedural (have the proper steps been followed and forms filled out) rather than substantive (has the disability been appropriately identified and a plan developed to address it).

Several comments were critical of the inconsistency in IEP's from year to year and of the difficulty in carrying progress over from year to year. Many parents were critical of the lack of communication both between the school and the parents and between administrators and teachers within the school as to how the IEP should be implemented. Certainly, parents are to be expected to monitor their child's progress, but many feel that school personnel could make a greater effort to assist them. The need for extended school year programs to prevent regression from progress made during the regular school year was mentioned.

The Committee recognizes that criticisms such as those described here are just one side of the picture and that administrators and teachers are as concerned with the education of learning disabled students as the students' parents. School personnel are constrained by other factors which need to be considered.

Recommendation: The IEP-related issues are complex and need further consideration before recommendations can be developed.

### 3. Mixing of LD students with other special education students

One of the most common complaints received at the public hearings was that learning disabled students are frequently placed in a resource room with other children who have different disabilities. This raises the competing issues of available services and the cost to school units of providing additional programs on the one hand and the need for appropriate educational programs on the other.

Recommendation: These are complex, interrelated issues which the Committee needs more time to consider before issuing final recommendations.

### 4. Transitioning Learning Disabled Students

Questions were raised at the public hearing whether educational programs provided learning disabled students were appropriate for their educational needs. Learning disabled students who have been passed through lower grades (perhaps without the meaningful remediation which they need) are often faced with severe difficulties at the

junior and high school levels where the reading, writing and homework load is much heavier. Similarly, students graduating or no longer eligible for public school services may find themselves without the tools necessary to get and hold a job or to undertake post-secondary studies.

Recommendation: The Committee recommends that methods be developed to assure that the long-term educational needs of learning disabled students are being addressed. Currently, little data exists in order to evaluate success in transitioning out. A Legislative study committee exists on the issue of transition. In addition, the Department of Educational and Cultural Services has a grant to follow up on special education students after they leave school. The Committee will follow the work of those 2 groups and coordinate efforts where possible.

##### 5. Learning disabled students at post-secondary institutions.

Several faculty members in the University of Maine System raised the problem of how to provide appropriate educational services to learning disabled students who have moved on to post-secondary educational institutions. There appears to be a question of the ability of the University staff to identify or teach learning disabled students at the post-secondary level. As more learning disabled

students graduate from high school this is likely to be an increasing problem for all post-secondary institutions, including the vocational technical institutes.

Recommendation: The Committee recognizes this is a problem and recommends further consideration. There exists both a Legislative Select Committee on transition and a transition contract within the Department of Educational and Cultural Services. Both of these groups should be made aware of the concerns.

#### 6. Support services for families

Numerous speakers at the public hearing attested to the need for various support services for families to make them aware of the array of services and programs available, to help them negotiate the process necessary to receive those services and to assist them in dealing with the emotional and financial drain which damages the family structure.

The Committee was struck by the numbers of parents who expressed a lack of awareness of what their child's rights are. The 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 groups which have evolved, throughout the State. Each of these

groups apparently fills an important and related niche. Just as apparently, they are each limited by various factors in the role which they are able to play.

Recommendation: The Committee recommends that consideration be given to further enhancing the family support services which are now available by whatever means are available. A means for sharing the experience of existing support services needs to be developed.

#### IV. INTERIM CONCLUSIONS OF THE COMMITTEE

1. The Committee finds that there is a significant amount of public and professional interest in educational programs for learning disabled students. The Committee appreciates that interest and is grateful for all the informative comments received at the hearings and during the comment period.

2. The Committee finds a number of common concerns and problem areas in the provision of educational services to learning disabled children. Those concerns and problem areas are described in Section III. The Committee is also aware that for the majority of the State's over 9,000 identified learning disabled students the process seems to be working adequately. Nevertheless, the commonly cited problems coupled with experiences of Committee members, indicates cause for concern and additional examination of these problem areas.

3. The Committee finds that this interim report should be followed by an in-depth analysis of the issues identified in Section III. Much research is underway in the field of learning disabilities, both nationally and in Maine. Several reports have been recently released and others are due shortly. Many deal with the areas of concern identified by the Committee. A considerable amount of data is also available within the Department of Educational and Cultural Services which needs to be analyzed.

4. The Committee finds that in its review of the problem areas cited in Section III the Committee should

- Review the laws and rules of other states to find alternative approaches to common problems.
- Examine exemplary programs in this State and elsewhere.
- Review current research analyze available data and consult with experts in the field of learning disabilities.
- Analyze the financial impact of any recommended changes in state or local practices.

5. The Committee will issue a final report in January of 1987.

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