

MAINE STATE LEGISLATURE

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L.D. 1902

Date: 4-18-18

(Filing No. H-780)

REPORT B

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1339, L.D. 1902, Bill, "An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services"

Amend the bill in section 2 in §4710 in subsection 1 in the 3rd line (page 2, line 25 in L.D.) by striking out the following: "prekindergarten" and inserting the following: 'kindergarten'

Amend the bill by striking out all of sections 3 to 12 and inserting the following:

'Sec. 3. Review of maintenance of effort allocation component. The Department of Education shall review the maintenance of effort funding component of the essential programs and services funding formula to determine the purpose of the funding, whether it is accomplishing this purpose, why some school administrative units' expenditures are consistent with the funding formula allocation model and some are not and how to increase the equity of special education allocations across all school administrative units. The department shall invite input from state and local stakeholders and policy makers. The department shall report its findings and recommendations, including any statutory changes, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs not later than March 15, 2019. After review of the report, the committee may report out a bill related to increasing equity of special education allocations across all school administrative units.'

Amend the bill in section 13 in the last paragraph in the 3rd line from the end (page 6, line 25 in L.D.) by striking out the following: "January 15, 2019" and inserting the following: 'January 15, 2020'

Amend the bill in section 13 in the last paragraph in the last line (page 6, line 27 in L.D.) by striking out the following: "First" and inserting the following: 'Second'

Amend the bill in section 14 in the first paragraph in the last line (page 7, line 2 in L.D.) by striking out the following: "January 15," and inserting the following: 'March 1,'

Amend the bill by inserting after section 14 the following:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "B" to H.P. 1339, L.D. 1902

1 funding formula and whether it is accomplishing this purpose and how to increase equity
2 among all school administrative units; a review and improvement of MaineCare billing
3 systems and procedures through a pilot program through the Department of Education in
4 collaboration with the Department of Health and Human Services; and a requirement that
5 the joint standing committee of the Legislature having jurisdiction over education and
6 cultural affairs submit a request for consideration by the steering committee of the Maine
7 Education Policy Research Institute to include a research project to investigate and
8 address the costs associated with special education litigation and educational program
9 materials. The amendment also delays the reporting dates to ensure adequate time for
10 review. The amendment also adds an appropriations and allocations section.

11

FISCAL NOTE REQUIRED

12

(See attached)



128th MAINE LEGISLATURE

LD 1902

LR 2942(03)

An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services

Fiscal Note for Bill as Amended by Committee Amendment *B(LH-780)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$435,135	\$323,759	\$338,967
Appropriations/Allocations				
General Fund	\$0	\$435,135	\$323,759	\$338,967

State Mandates

Required Activity

Requires all school administrative units to enhance and upgrade the system of response to intervention for kindergarten to grade 12 to become an all-encompassing, tiered system of support for all general and special education students who are not progressing towards meeting the content standards of the parameters for essential instruction and graduation requirements.

Unit Affected

School

Local Cost

Significant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill includes General Fund appropriations totaling \$435,135 in fiscal year 2018-19 to the Special Services Team program within the Department of Education for the costs associated with enhancing and upgrading the system of response to intervention and a review of the MaineCare billing systems and procedures as it relates to school administrative units (SAU's) billing for medically necessary services.

CB (A-780)

Of this amount, \$285,135 is provided to establish one Public Service Coordinator position and 2 Education Specialist III positions and related All Other costs associated with the upgrading and enhancing of the response to intervention systems including administration and monitoring as well as providing technical assistance to SAU's. Additionally, \$150,000 is provided in fiscal year 2018-19 only for the review of the MaineCare billing systems and processes as it relates to SAU's billing for medically necessary services.

This legislation requires the Education Research Institute (ERI) to investigate and address the costs associated with special education litigation and educational program materials if approved by the steering committee of the Maine Education Policy Research Institute for inclusion in the cooperative project agreement approved for fiscal year 2018-19.

The Department of Education's General Purpose Aid for Local Schools program has funding of \$250,000 in 2018-19 to support the work of the ERI, which was established in Public Law 1995, c. 395, Part J to collect and analyze education information and perform targeted education research for the Legislature. This fiscal note assumes that funding for the ERI in fiscal year 2018-19 included in the 2018-2019 biennial budget and allocated in LD 1869, *An Act To Establish the total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System*, will be sufficient to support the cost of the research project in this bill.

Any additional costs to the Department of Health and Human Services to take part in the working group to address problems in the current MaineCare billing system and processes for medically necessary services are expected to be minor and can be absorbed within existing budgeted resources.