

# MAINE STATE LEGISLATURE

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L.D. 1902

Date: 4-18-18

(Filing No. H-781)

# REPORT C

## EDUCATION AND CULTURAL AFFAIRS

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 128TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "C" 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 5.

Amend the bill in section 6 in the 2nd to 4th lines (page 3, lines 42 and 43 and page 4, line 1 in L.D.) by striking out the following: "targeted assistance through federal Title I funds in order to become eligible for shared funding for the development of school-wide" and inserting the following: 'schoolwide status with respect to federal Title I funds in order to be able to use the funds for funding for the development of schoolwide'

Amend the bill in section 6 in the 2nd line from the end (page 4, line 7 in L.D.) by striking out the following: "targeted assistance" and inserting the following: 'schoolwide status'

Amend the bill in section 7 in the 4th line from the end (page 4, line 20 in L.D.) by striking out the following: "January 15, 2019" and inserting the following: 'April 1, 2019'

Amend the bill by striking out all of section 8.

Amend the bill by striking out all of sections 10 to 12 and inserting the following:

**'Sec. 10. 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

# COMMITTEE AMENDMENT

PL 0113

1 and policy makers. The department shall report its findings and recommendations,  
2 including any statutory changes, to the joint standing committee of the Legislature having  
3 jurisdiction over education and cultural affairs not later than March 15, 2019. After  
4 review of the report, the committee may report out a bill related to increasing equity of  
5 special education allocations across all school administrative units.'

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

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

11 Amend the bill by striking out all of section 14 and inserting the following:

12 '**Sec. 14. Appropriations and allocations.** The following appropriations and  
13 allocations are made.

14 **EDUCATION, DEPARTMENT OF**

15 **Special Services Team Z080**

16 Initiative: Provides funds for one Public Service Coordinator position and 2 Education  
17 Specialist III positions and related All Other costs to provide technical assistance,  
18 administration and monitoring of the tiered system of support for response to intervention  
19 systems.

20	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
21	POSITIONS - LEGISLATIVE COUNT	0,000	3,000
22	Personal Services	\$0	\$265,542
23	All Other	\$0	\$19,593
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$285,135</u>

26 **Special Services Team Z080**

27 Initiative: Provides one-time funds for the pilot program to review and improve  
28 MaineCare billing systems and procedures as they relate to school administrative units'  
29 billing for medically necessary services.

30	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
31	All Other	\$0	\$150,000
32			
33	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$150,000</u>

# COMMITTEE AMENDMENT

R.O.P.'S

1	<b>EDUCATION, DEPARTMENT OF</b>		
2	<b>DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
3			
4	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$435,135</b>
5			
6	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$435,135</b>
7			

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
9 section number to read consecutively.

10 **SUMMARY**

11 This amendment, which is a minority report of the committee, narrows the focus of  
12 the bill to the addition of response to intervention systems to ensure an all-encompassing,  
13 tiered system of support for general and special education students; collaboration between  
14 general education and special education, including a clarification that the Department of  
15 Education is required to facilitate a process to help schools apply for schoolwide status  
16 with respect to federal Title I funds; promotion of dual certification programs by the  
17 Department of Education and the State Board of Education; recodification of the Maine  
18 Revised Statutes, Title 20-A, Part 4, subpart 1, concerning special education, by the  
19 Office of Policy and Legal Analysis and the Office of the Revisor of Statutes; a review of  
20 the purpose of the maintenance of effort component of the essential programs and  
21 services funding formula and whether it is accomplishing this purpose and how to  
22 increase equity among all school administrative units; and a review and improvement of  
23 MaineCare billing systems and procedures through a pilot program through the  
24 Department of Education in collaboration with the Department of Health and Human  
25 Services. This amendment also delays the reporting dates to ensure adequate time for  
26 review. The amendment also adds an appropriations and allocations section.

27 **FISCAL NOTE REQUIRED**

28 (See attached)



Approved: 04/18/18 *MCC*

# 128th MAINE LEGISLATURE

LD 1902

LR 2942(04)

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 (H-781)*  
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
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$435,135	\$323,759	\$338,967
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$435,135	\$323,759	\$338,967

### State Mandates

Required Activity	Unit Affected	Local Cost
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.	School	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.

C.C."(H-781)

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.

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. The additional costs to the Legislature for recodification of statutes concerning special education can be absorbed utilizing existing budgeted staff resources assuming this work is completed during interim periods between legislative sessions.