

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 284

H. P. 220

House of Representatives, February 9, 1977

Referred to Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Relating to the Payment of Special Education
Tuition and Board for the Fiscal Year 1977.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the experiences of the past year have demonstrated that it is impossible to accurately project the number of students needing special education programs which require tuition and board expenditures; and

Whereas, based on the experience of the past year, it is impossible to project the number of state wards or the number of students who are voluntarily committed to the state's custody, who are in need of special education tuition and board placement; and

Whereas, based on the experience of the past year, it is impossible to project the number of students moving into Maine who are in need of special education programs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

20 MRSA § 3748, sub-§ 12, as enacted by PL 1975, c. 660, § 2, is amended by adding at the end the following new sentences:

During the state's fiscal year 1977 only, the commissioner is authorized to allocate, on a prorated basis, if necessary, money from the unexpended balances of the funds appropriated for special education tuition and board to reimburse local administrative units, which have exceeded their special education tuition and board estimates because of the placement of newly identified pupils or because of pupils changing residence from one administrative unit to another. During the fiscal year 1977, the commissioner may directly pay the costs of state wards and other students in state custody at private special education boarding schools from the unexpended funds appropriated for special education tuition and board. The school committees and boards of school directors are authorized during the state's fiscal year 1977 to expend the funds as allocated notwithstanding any other statutes. Funds shall be paid to the administrative units prior to the close of the state's fiscal year.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Under present statutes, special education tuition and board are reimbursed to local units at 90% of estimated costs, as adjusted by the commissioner, or 90% of actual expenditures, whichever is less, during the year of allocation. Costs of special education programs operated by local units are reimbursed on the same basis during the year after the fact. The proposed change in the statutes would make tuition and board reimbursement consistent with local program reimbursement.

To accomplish this transition, during the 1977 fiscal year only, the commissioner would be authorized to prorate unexpended special education tuition and board balances to units that have exceeded their tuition and board estimates. The commissioner would be authorized to make adjustments to local units' special education tuition and board estimates where it can be demonstrated that initial placement of an exceptional child will cause the unit to exceed its tuition estimate and cause serious financial hardship. Such adjustments shall be made as authorized by this bill.

In the case where a tuitioned child changes residence during a fiscal year, the commissioner shall adjust local estimates to enable funds to follow the child from unit to unit.