

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2047**

H. P. 1966

House of Representatives, January 11, 1978

Governor's Bill. The Committee on Education suggested

EDWIN H. PERT, Clerk

Presented by: Mrs. Beaulieu of Portland

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT to Provide Funding to Public Schools for Educating Residents of State Operated  
Institutions.**

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

**Sec. 1.** 20 MRSA § 3743, sub-§ 5, first sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

“Operating costs” shall include all costs, except transportation costs, community service costs, major capital costs and debt service costs, reduced by tuition receipts, **receipts for education of institutional residents**, expenditures from all federal revenue sources except for amounts received under the provisions of public law 874, and reduced by expenditures for special and vocational education programs as defined in subsections 8 and 9.

**Sec. 2.** 20 MRSA § 3743, sub-§ 8, as enacted by PL 1975, c. 660, § 2, is amended by inserting at the end the following new sentence:

**They shall not include costs for special education of institutional residents.**

**Sec. 3.** 20 MRSA § 3743, sub-§ 9, as last repealed and replaced by PL 1977, c. 310, § 4, is amended to read:

**9. Vocational education costs.** Vocational education costs for subsidy purposes shall include all costs incurred by the vocational regions, centers or satellites, in providing approved vocational education programs as defined by section 2356-A, subsection 3, **minus receipts for vocational education of institutional residents.**

Sec. 4. 20 MRSA § 3743, sub-§§ 17 - 22 are enacted to read:

17. Institutional residents. "institutional residents" shall mean any person between the ages of 5 and 20 years who is attending a public school of the administrative unit and who is committed or otherwise legally admitted to, and residing at, any state operated institution. This shall not include students attending private facilities regardless of the means of placement.

18. State operated institution. "State operated institution" shall include any residential facility or institution which is operated by the Department of Mental Health and Corrections.

19. Special education of institutional resident costs. "Special education of institutional resident costs" shall be computed by adding together the individual special education costs of institutional residents. Those individual costs shall be computed in accordance with rules and regulations adopted by the Department of Educational and Cultural Services.

20. Vocational education of institutional resident costs. "Vocational education of institutional resident costs" shall be computed by adding together the individual vocational education costs. Those individual costs shall be computed in accordance with rules and regulations adopted by the Department of Educational and Cultural Services.

21. Transportation of institutional resident costs. "Transportation of institutional resident costs" shall mean the portion of transportation operating costs incurred for institutional residents. These costs shall be computed in accordance with rules and regulations adopted by the Department of Educational and Cultural Services.

22. Education of institutional resident costs. "Education of institutional resident costs" shall be computed by multiplying the number of elementary and secondary pupils who are institutional residents by the respective per pupil operating rate and adding the sum of these products to the special and vocational education and transportation of institutional resident costs. For subsidy purposes, institutional residents shall be counted in accordance with rules and regulations adopted by the Department of Educational and Cultural Services.

Sec. 5. 20 MRSA § 3744, sub-§ 1, ¶ L, as amended by PL 1977, c. 545, § 4, is further amended to read:

L. State expenditures for each of paragraphs C through K and Q for the base year;

Sec. 6. 20 MRSA § 3744, sub-§ 1, ¶ Q is enacted to read:

Q. Costs of education of institutional residents.

Sec. 7. 20 MRSA § 3745, first ¶, as amended by PL 1977, c. 545, § 6, is amended to read:

The commissioner, with the approval of the State Board of Education, shall also certify annually, prior to February 1st, to the Legislature and the Bureau of the Budget his recommendation for the funding levels recommended for each of paragraphs A through K and, M and Q of subsection 1 of section 3744 and for the state's maximum obligation under section 3748, subsection 4.

Sec. 8. 20 MRSA §§ 3745, 2nd ¶, 2nd sentence, as repealed and replaced by PL 1977, c. 358, § 7, is amended to read:

The requested funding levels of section 3744, subsection 1, paragraph D, subparagraphs (2) and (3), and paragraph Q shall be computed by estimating those costs in the year of allocation of funds.

**Sec. 9.** 20 MRSA § 3747, sub-§ 3, first sentence, as amended by PL 1977, c. 545, § 8, and c. 563, § 11, is repealed and the following enacted in its place:

**Establish the basic education allocation for paragraphs A through G and L and subsection 5 and the appropriations for paragraphs I, J and K and subsections 4 and 7.**

**Sec. 10.** 20 MRSA § 3747, sub-§ 3, ¶ L is enacted to read:

**L. Institutional residents.**

**Sec. 11.** 20 MRSA § 3747, sub-§ 6, last sentence, as repealed and replaced by PL 1977, c. 358, § 9, is amended to read:

The Legislature shall appropriate 100% of the amounts established for subsection 3, paragraph D, subparagraph (2) and paragraph L.

**Sec. 12.** 20 MRSA § 3748, sub-§ 1, ¶ C, sub-¶ (5) is enacted to read:

**(5) Education of institutional residents. Reimbursement for education of institutional residents shall be paid by the State in the year of allocation at 100% of the estimated costs, as adjusted by the commissioner, or 100% of the actual expenditures, whichever is less.**

**Sec. 13. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	<b>1978-79</b>
<b>EDUCATIONAL AND CULTURAL SERVICES,</b>	
<b>DEPARTMENT OF</b>	
All Other	<b>\$203,095</b>

**STATEMENT OF FACT**

The purpose of this bill is to provide 100% reimbursement to administrative units for the costs of education of residents of state operated institutions who are attending public schools.

The Department of Mental Health and Corrections must serve its clients in the least restrictive fashion. For many clients, the least restrictive means of obtaining an education is to attend public schools. Institutions operated by the department tend to concentrate school age children from all over the State into a few administrative units. Current law is unclear as to the financial burden of education for those institutional residents who attend public schools.